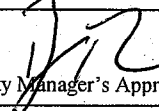





## *Report to the Auburn City Council*

Action Item	8
Agenda Item No.	
	
City Manager's Approval	

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner   
**Date:** October 14, 2013  
**Subject:** Ordinance Amendment – Regional Commercial – Emergency Shelter Zone District; Transitional Housing; and Supportive Housing (File 301.3(bb))

### *The Issue*

Should the City Council introduce for First Reading an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district. The new C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone and add emergency shelters as a permitted use, subject to development standards.

### *Recommended Motion (Denial)*

On Tuesday, September 17, 2013, the Auburn Planning Commission recommended, by a vote of 5-0, that the Auburn City Council take the following action:

- A. By Motion, deny the Ordinance Amendment to establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district.

### *Alternative Motion (Approval)*

If the City Council supports the creation of the Regional Commercial - Emergency Shelter (C-3-ES) zone district to allow emergency shelters, staff recommends the following actions:

- B. By Motion, adopt a Statutory Exemption prepared for the Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- C. By Motion, adopt the following Findings of Fact for approval of an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone:
1. The Ordinance implements State law;
  2. The Ordinance is consistent with the Auburn General Plan Housing Element; and
  3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.

- D. By Motion, introduce and hold a First Reading, by title only, of the attached Ordinance (Exhibit A) which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone.

### **Background**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

The Auburn Planning Commission and the Auburn City Council have considered different options to satisfy the SB 2 requirements at several meetings over the last several months:

- March 5, 2013 – Commission review of the initial proposal for the Industrial (M-2) zone.
- April 8, 2013 – Initial City Council review of the M-2 zone.
- May 13, 2013 – City Council takes no formal action on the M-2 zone proposal and provides direction to consider a zone overlay process and two potential overlay sites on Nevada Street and Wall Street.
- July 2, 2013 - Planning Commission review of an overlay ordinance and Rezone proposals for overlay sites on Nevada Street and Wall Street.
- July 22, 2013 - City Council reserves decision on the overlay ordinance and denies the Rezone proposals for the overlay sites on Nevada Street and Wall Street.
- July 29, 2013 - City Council public bus tour looking at site alternatives.

The Auburn City Council most recently met on August 12, 2013 to consider new alternatives. Based on public input and Council deliberation, the City Council identified several lots along Auburn Ravine Road, north of Elm Avenue (Attachment 1) as potentially appropriate locations for emergency shelters. Since all of the lots are located within (and surrounded by) the Regional Commercial (C-3) zone district, Council directed staff to create a new zone district that would tier off of the C-3 zone district and add emergency shelters as a permitted use type (i.e. a new Regional Commercial – Emergency Shelter (C-3-ES) zone district).

Based on Council direction, staff prepared a new code amendment which creates the Regional Commercial – Emergency Shelter (C-3-ES) zone district (see Exhibit A). The new zone district permits emergency shelters “by right;” therefore, this new zone district will satisfy the State requirements of SB 2. The code amendment also includes development standards, as permitted by SB 2, relating to the establishment and operation of emergency shelters.

The Auburn Planning Commission reviewed the proposed code amendment for the new C-3-ES zone district on Tuesday, September 17, 2013. The Planning Commission stated that the Regional Commercial (C-3) zone district was not an appropriate zone for emergency shelters and

recommended that the City Council deny the proposed ordinance. The Planning Commission also reiterated their prior recommendations supporting the Industrial (M-2) zone district. The minutes from the September 17<sup>th</sup> Planning Commission hearing are provided as Attachment 2; the staff report is provided as Attachment 1.

A separate Rezone entitlement (see file RE 13-03) which rezones the nine (9) lots in the Auburn Ravine Road project area from C-3 to C-3-ES, is being processed concurrent with this code amendment.

### **Proposed Ordinance**

The proposed ordinance (Exhibit A) reflects the code amendments necessary to establish the Regional Commercial - Emergency Shelter (ES) zone district. The ordinance also includes the development standards for emergency shelters and includes various revisions based on City Council direction at prior public hearings. The code amendments, including the Council changes, are detailed in the Planning Commission staff report (Attachment 1) and summarized below:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for “Emergency Shelter,” “Institutional Use,” “Supportive Housing,” and “Transitional Housing.” The ordinance also includes a revised definition for “Family” to be consistent with current law.
2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2 mandates that local jurisdictions permit “transitional housing” and “supportive housing,” with such housing treated the same as any other residential use property (i.e. as a use permitted by right). The proposed ordinance specifies that Supportive Housing and Transitional Housing will be permitted by right in the Multi-family Residential (R-3) zone district. In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).
3. **Regional Commercial - Emergency Shelter Zone Established (Exhibit A; Section Three)** – This section amends Section 159.015 of the Auburn Municipal Code by adding the Regional Commercial - Emergency Shelter (C-3-ES) zone district.
4. **Regional Commercial - Emergency Shelter Zone District (Exhibit A; Section Four)** – Section Four details the Regional Commercial – Emergency Shelter (C-3-ES) zone district, including permitting and associated development standards. Pursuant to Section 159.047(B), permanent shelters will be allowed in the C-3-ES zone district; and, as required by SB 2, shelters will be permitted by right (i.e. allowed without the need for any additional discretionary action such as a use permit). Senate Bill 2 also allows jurisdictions to include development standards for permanent emergency shelters, but only in specific categories. Section 159.047(C) details the development and management standards applicable to emergency shelters:

- a. Occupancy – Permanent emergency shelters would be allowed to have up to twenty-five (25) occupants at any one time. This development standard has received considerable discussion in the past, with recommendations by staff, the Planning Commission, and Council ranging between 15-30 persons. The current draft reflects the City Council's direction from the meeting on July 22<sup>nd</sup>.
  - b. Parking Requirements – The proposed ordinance requires that emergency shelters provide a minimum of one parking space for each staff member plus one parking space for every four residents. This standard reflects direction from the City Council at their July 22<sup>nd</sup> hearing.
  - c. Management – The management standards are consistent with prior drafts and include two revisions by the City Council: *Item 3.a* – The number of on-site staff was increased from one (1) to two (2); and, *Item 3.d* – The shelter will maintain a list of residents, that list will be available to the Police Department upon request, and management will notify the Police Department if they remove a resident from the facility.
  - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities reflects prior recommendations by the City Council including a common area for use by the occupants, laundry facilities, and a minimum of two showers.
  - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan detailing how the facility will be operated.
5. **Temporary Emergency Shelters (Exhibit A; Section Five)** – This section allows temporary emergency shelters as part of an institutional use and also includes development standards for temporary shelters.

### **Public Comment and Correspondence**

Public comment received during the September 17<sup>th</sup> public hearing was largely in opposition to the request, with one individual supporting the C-3-ES designation. Comments from the meeting are summarized in the Planning Commission minutes (Attachment 2).

The Planning Commission received one letter from the public prior to the September 17<sup>th</sup> hearing (Attachment 3). The letter, from Otto Fox on behalf of Kenneth and Georgia Fox, expresses opposition to the proposed ordinance.

Following the September 17<sup>th</sup> Planning Commission hearing, the Community Development Department is in receipt of one letter addressing the proposed zone district. The letter, also from Otto Fox, again expresses opposition to the ordinance and suggests consideration of other alternatives (see Attachment 4).

### **Environmental Determination**

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that



CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

**Alternatives Available; Implications of Alternatives**

1. Deny the Ordinance to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district as recommended by the Planning Commission.
2. Introduce for first reading the Ordinance to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district.
3. Continue consideration of the Ordinance creating the Regional Commercial – Emergency Shelter (C-3-ES) zone district and direct staff to provide additional information.
4. Do not adopt the Ordinance for the Regional Commercial – Emergency Shelter (C-3-ES) zone district and provide direction to staff to pursue alternatives.

**Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

**Attachments:**

1. Planning Commission Staff Report – September 19, 2013
2. Planning Commission Minutes – September 19, 2013 hearing
3. Letter – Testimony of Otto Fox submitted September 12, 2013
4. Letter – Testimony of Otto Fox dated October 7, 2013

**Exhibits:**

- A. Ordinance – Regional Commercial-Emergency Shelter (C-3-ES) Zone and Transitional and Supportive Housing



## CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: September 17, 2013

Prepared by: Reg Murray, Senior Planner

ITEM NO.  
V-A

ATTACHMENT 1

**ITEM V-A: ORDINANCE AMENDMENT – REGIONAL COMMERCIAL-EMERGENCY SHELTER ZONE DISTRICT; TRANSITIONAL HOUSING; AND SUPPORTIVE HOUSING (FILE 301.3(bb)).**

**REQUEST:** The City of Auburn proposes to amend the Auburn Municipal Code to create the Regional Commercial - Emergency Shelter (C-3-ES) zone district and establish standards for permanent and temporary emergency shelters. The C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone and add emergency shelters as a use permitted by right, subject to development standards.

**RECOMMENDED MOTION:**

- A. Move to adopt Planning Commission **Resolution 13-15** recommending that the Auburn City Council adopt an ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district; establishes standards for permanent and temporary emergency shelters; and, permits transitional and supportive housing, or as amended by the Planning Commission.

**BACKGROUND:**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element of the General Plan. An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

The Auburn Planning Commission and the Auburn City Council have considered different options to satisfy the SB 2 requirements at several meetings over the last several months:

- March 5, 2013 – Commission review of the initial proposal for the Industrial (M-2) zone.
- April 8, 2013 – Initial City Council review of the M-2 zone.
- May 13, 2013 – City Council provides direction to consider a zone overlay process and potential overlay sites on Nevada Street and Wall Street.
- July 2, 2013 - Planning Commission review of an overlay ordinance and Rezone proposals for overlay sites on Nevada Street and Wall Street.
- July 22, 2013 - City Council reserves decision on the overlay ordinance and denies the Rezone proposals for the overlay sites on Nevada Street and Wall Street.
- July 29, 2013 - City Council public bus tour looking at site alternatives.

Following the denial of the Rezone proposals for the emergency shelter overlay on the Nevada Street and Wall Street sites, the Auburn City Council most recently met on August 12, 2013 to consider new alternatives. Based on public input and Council deliberation, the City Council identified several lots along Auburn Ravine Road, north of Elm Avenue (Attachment 1) as potentially appropriate lots for emergency shelters.

Since all of the lots identified by City Council are located within (and surrounded by) the Regional Commercial (C-3) zone district, Council directed staff to create a new zone district that would tier off of the C-3 zone district and add emergency shelters as a permitted use type. Staff has prepared a new code amendment which creates the Regional Commercial – Emergency Shelter (C-3-ES) zone district (see Exhibit A). Since the new zone district permits emergency shelters “by right,” this new zone district will satisfy the State requirements of SB 2. The code amendment also includes development standards as permitted by SB 2.

A separate Rezone entitlement (see file RE 13-03) to rezone the Auburn Ravine Road Project Area (Attachment 1) from C-3 to C-3-ES is being processed concurrent with this code amendment.

#### ANALYSIS:

Provided below is a summary of the provisions associated with the proposed code amendments:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for “Emergency Shelter,” “Institutional Use,” “Supportive Housing,” and “Transitional Housing.” The ordinance also includes a revised definition for “Family” to be consistent with current law.

***FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit ~~occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.~~ **FAMILY** shall be deemed to include the necessary servants and may include up to 5 persons not related by blood or marriage.*

The definitions provided with Exhibit A remain unchanged from the earlier versions of the code amendment reviewed by the Planning Commission.

2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2, referenced above, also mandated that local jurisdictions permit “transitional housing” and “supportive housing,” with such housing treated the same as any other residential use property (i.e. as a use permitted by right). In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).

This section of the code amendment includes the necessary permitting for both transitional and supportive housing. Both housing types are allowed as permitted uses in the Multi-

family Residential (R-3) zone district, with no requirement for a use permit or other discretionary approval.

3. **Regional Commercial - Emergency Shelter Zone Established (Exhibit A; Section Three)** – Section 159.015 of the Auburn Zoning Ordinance establishes (i.e. lists) the City's various zone districts. This section amends Section 159.015 of the Auburn Municipal Code by adding the Regional Commercial - Emergency Shelter (C-3-ES) zone district.
4. **Regional Commercial - Emergency Shelter Zone (Exhibit A; Section Four)** – Section Four of Exhibit A details the Regional Commercial – Emergency Shelter (C-3-ES) zone district, including permitting and associated development standards. Pursuant to Section 159.047(B), permanent shelters will be allowed in the C-3-ES zone district; and, as required by SB 2, shelters will be permitted by right (i.e. allowed without the need for any additional discretionary action such as a use permit). Senate Bill 2 allows jurisdictions to include development standards for permanent emergency shelters, but only in specific categories. Section 159.047(C) details the development and management standards applicable to emergency shelters. Several of the standards are reviewed below; and, these standards are largely the same as those reviewed by the Planning Commission previously (except where amendments have been made by the City Council; text underlined):
  - a. Occupancy – Permanent emergency shelters would be allowed to have up to twenty-five (25) occupants at any one time. This development standard has received considerable discussion in the past, with recommendations by staff, the Commission, and Council ranging between 15-30 persons. The current draft reflects the City Council's direction from their meeting on July 22<sup>nd</sup>. The Planning Commission previously recommended occupancy for thirty (30) persons.
  - b. Parking Requirements – The proposed ordinance requires that emergency shelters provide a minimum of one parking space for each staff member plus one parking space for every four residents. This standard reflects direction from the City Council at their July 22<sup>nd</sup> hearing. The Planning Commission previously recommended a reduced standard of one parking space for every 10 residents.
  - c. Management – The management standards provided in Exhibit A are essentially the same as those reviewed previously by the Commission with two exceptions: *Item 3.a* – The City Council increased the number of on-site staff from one (1) to two (2); and, *Item 3.d* - The City Council included a standard requiring that a facility maintain a list of residents, that the list be available to the Police Department upon request, and that the Police should be notified if management removes a resident from the facility.
  - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities includes those originally reviewed by the Planning Commission as well as several additions recommended by the City Council. The facilities added by the City Council include a common area for use by the occupants, laundry facilities, and a minimum of two showers.
  - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan detailing how the facility will be operated.

5. **Temporary Emergency Shelters (Exhibit A; Section Five)** – This section provides standards for temporary shelters (Section 159.380). With this section, temporary emergency shelters would be allowed in conjunction with institutional uses (i.e. a use associated with places of worship, hospitals, educational facilities, and community service organizations). A definition for Institutional Uses is included in Section One of the ordinance.

Provisions for temporary shelters are being provided to address The Gathering Inn which currently has operations that assist the homeless throughout Placer County, including the City of Auburn. The Gathering Inn collects homeless persons at various locations in the County and takes them to different temporary facilities, rotating the operations between various participating providers (e.g. they could provide for the homeless at a facility in Roseville one day and in Auburn the next day). Including temporary shelters in the code amendments insures that the City does not make an existing operation non-compliant with the new code. Staff supports this measure since the Gathering Inn has operated in Auburn for several years with little-to-no problem.

The proposed ordinance includes standards for temporary shelters which are consistent with the standards reviewed by the Commission earlier this year with one exception - the number of occupants. The original draft ordinance limited the maximum number of occupants to 60. The Planning Commission supported increasing the maximum number of occupants to 75 persons during extreme weather conditions. The City Council initially considered different occupancy limits, however, on July 22<sup>nd</sup> the Council concurred with the Planning Commission recommendation to allow up to 60 individuals during normal operations and up to 75 persons during extreme weather events. Exhibit A reflects the revised standard.

The Planning Commission is a recommending body for this ordinance amendment. All comments and recommendations from the Commission will be forwarded to the Auburn City Council for their consideration. The tentative date for the City Council's review of this ordinance amendment is Monday, October 14, 2013.

#### **ENVIRONMENTAL SUMMARY:**

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

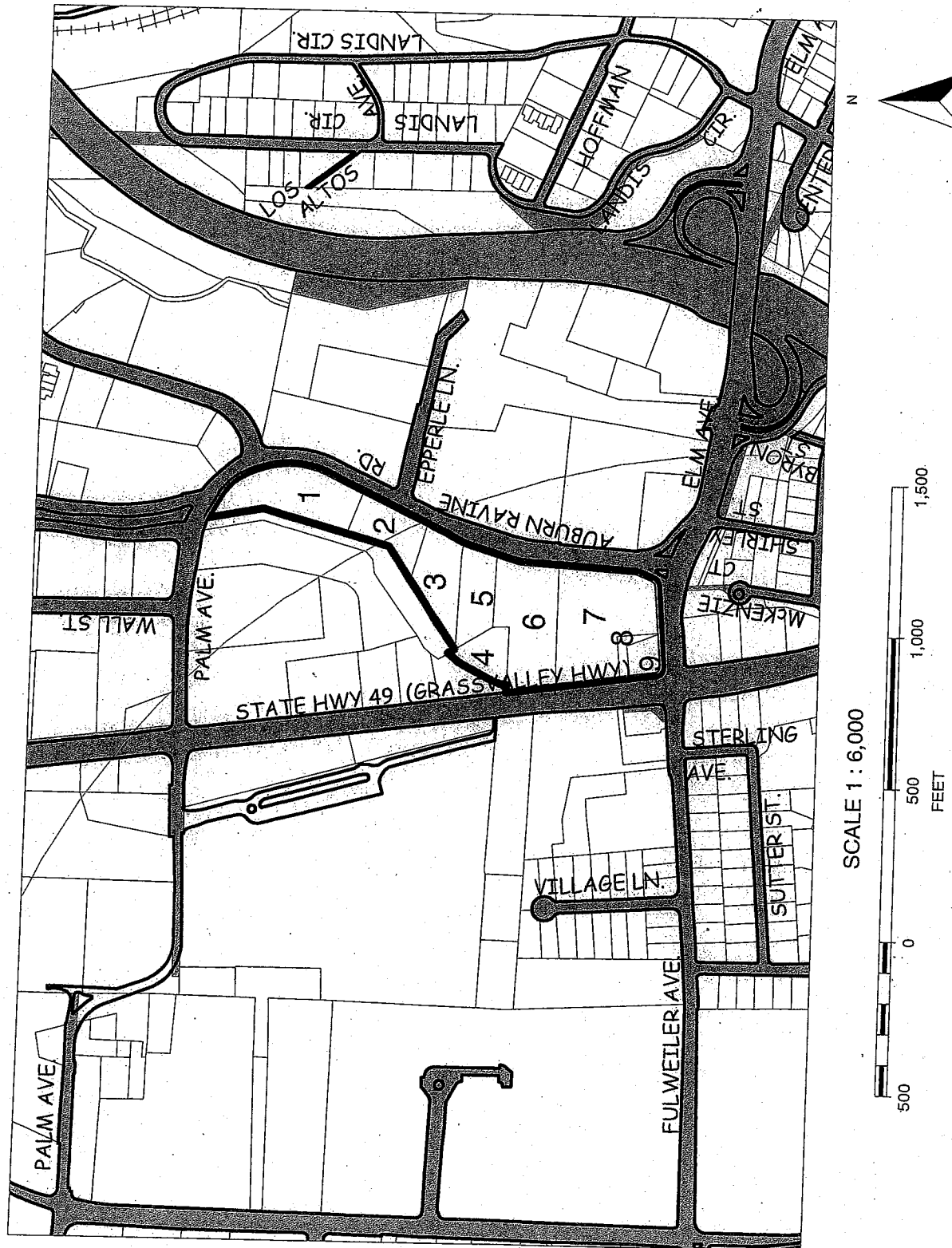
#### **ATTACHMENTS**

1. Auburn Ravine Road Project Area for the C-3-ES zone district
2. Letter from Rob Hamilton dated August 21, 2013

#### **EXHIBITS**

- A. Planning Commission Resolution 13-15 with attached Ordinance

# Emergency Shelter Rezone Project Area



## Reg Murray

**From:** Rob Hamilton <rob@rthamilton.com>  
**Sent:** Wednesday, August 21, 2013 3:55 PM  
**To:** Reg Murray  
**Subject:** Please pass along comments regarding homeless shelter to Auburn City Council

Auburn City Council,

Regarding the proposal for a homeless shelter in town:

I live in the City of Auburn and I work as a firefighter in Sacramento City. As a firefighter we come in contact with the homeless on a daily basis which is far more than the average person. To the average person, the homeless population may seem to be a group of people who have been dealt a bad set of circumstances in life. People often feel sorry for them and feel like they want to help out the homeless in some way.

In my 13 years at the fire department, myself and most of my co-workers have seen a far less flattering side of the homeless population. To put it bluntly, the homeless are actually a group of people largely made up of people who choose homelessness as a lifestyle and who feed upon the kindness of well-meaning citizens.

I have seen the homeless countless times fake an illness in order to get a ride to the hospital and then walk right back out of the hospital without being seen. Any normal person would ask why would someone do that? The answer – because the hospital was close to the place the person wanted to go. That adds up to a \$1000 cab ride entirely bourn on the backs of the tax payers. This is just one common scheme the homeless go about living off the fruits of productive citizens. The homeless live largely unhealthy lifestyles filled with alcohol and drug dependencies. These dependencies are most often supported crime.

A homeless shelter within the city of Auburn is a bad idea for our home. The only thing accomplished will be to draw more homeless to our area. Most of the homeless people that I talk with in Sacramento are from out of state and came here because they heard how great Loaves and Fishes is as well as the surrounding shelters. "Free food and shelter – Great! Let's go." Sacramento has experienced a boom in the homeless population and it was paved by well-meaning citizens who wanted to care for our homeless people. Instead, they have attracted an unproductive population - further draining city and state resources.

Please vote against any and all initiatives designed to support the homeless. Feel free to call or write me if you have any questions.

Best regards,

Rob Hamilton

Cell: 530-305-8745  
Office: 800-823-9461  
Fax: 866-537-3114

[Rob@rthamilton.com](mailto:Rob@rthamilton.com)

PLANNING COMMISSION RESOLUTION NO. 13-15

ORDINANCE AMENDMENT  
REGIONAL COMMERCIAL - EMERGENCY SHELTERS ZONE DISTRICT;  
TRANSITIONAL HOUSING; AND  
SUPPORTIVE HOUSING  
(ADMIN FILE# 301.3(bb))

P.C. EXHIBIT A

**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of September 17, 2013, to consider a recommendation to the City Council to amend the Auburn Municipal Code to: establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district (including standards for permanent emergency shelters); establish permitting for temporary emergency shelters; and, allow transitional and supportive housing.

**Section 2.** The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the September 16, 2013, meeting.
2. The draft ordinance for the Regional Commercial - Emergency Shelter (C-3-ES) zone district (attached).
3. Staff presentation at the public hearing held on September 17, 2013.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3.** In view of all of the foregoing evidence, the City of Auburn Planning Commission recommends the following:

1. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3);
2. The Ordinance is consistent with the General Plan Housing Element; and,
3. The Ordinance is consistent with State law and is the minimum necessary to protect the health, safety and general welfare.

**Section 4.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends adoption of the Statutory Exemption and recommends that the City Council approve the code amendments to: establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district (including standards for permanent emergency shelters); establish permitting for



**temporary emergency shelters; and, allow transitional and supportive housing, carried by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**PASSED AND RECOMMENDED** this 17<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Chairman, Planning Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 59.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

**EMERGENCY SHELTER.** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

**FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**INSTITUTIONAL USE.** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

**SUPPORTIVE HOUSING.** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business -A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.

- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

**159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  3. Temporary emergency shelters are not subject to any distance separation requirements.
  4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  5. The shelter shall not operate more than 12 hours per day.
  6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
September 17, 2013**

The regular session of the Auburn City Planning Commission was called to order on September 17, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Luebkehan, Spokely, Vitas, Willick, Worthington

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

None

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING**

- A. ORDINANCE AMENDMENT – REGIONAL COMMERCIAL-EMERGENCY SHELTER ZONE DISTRICT; TRANSITIONAL HOUSING; AND SUPPORTIVE HOUSING (File 301.3(bb)).** The City of Auburn proposes to amend the Auburn Municipal Code to create the Regional Commercial - Emergency Shelter (C-3-ES) zone district and establish standards for permanent and temporary emergency shelters. The C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone while adding emergency shelters as a use permitted by right, subject to development standards.

Planner Murray presented the staff report, reviewing the history associated with the City's consideration of adopting code amendments for emergency shelters in conformance with Senate Bill 2. He reviewed the City Council's direction to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district and establish development standards for both permanent and temporary emergency shelters. Planner Murray summarized several revisions to the standards as recommended by the City Council, including occupancy standards for permanent and temporary shelters, parking requirements, and staffing. Planner Murray also noted that the

Ordinance would also permit Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Chairman Spokely asked staff to clarify what the Planning Commission's prior action was relative to the previous code amendment for an overlay ordinance as well as the two overlay sites.

Planner Murray noted that the Commission supported the code amendment for the overlay ordinance, but did not support the rezone overlay for the Nevada Street site or the Wall Street site. City Council upheld the Commission's recommendation and denied the rezone proposals for the two overlay sites.

Chairman Spokely asked what became of the code amendment to establish the overlay zone district.

Planner Murray stated that City Council decided to set aside the idea of the overlay zone at its August 12<sup>th</sup> hearing and instead wanted to establish the C3-ES zone district from several properties in the C3 zone (i.e. a zone within a zone).

Chair Spokely asked if there was any real difference between the overlay process and the zone within a zone process.

Planner Murray commented that they are basically the same, except that the overlay process could be applied almost anywhere within the City, while the C3-ES zone would typically only be associated with the Regional Commercial (C3) zone.

Commissioner Luebke asked staff to describe what would happen if the City fails to designate an area for homeless shelters.

Planner Murray stated that the requirement to designate a zone district comes from a policy in the Auburn Housing Element, which was adopted in response to the requirements of Senate Bill 2 passed in 2007. If the City doesn't comply with SB 2, then the California Department of Housing and Community Development (HCD) will find the City's Housing Element to be out of compliance. This could have serious implications to the City such as: the validity of the City's General Plan could be called into question; the City could be subject to legal challenges; the City might face a moratorium on building permits; and the City would not qualify for funding programs such as CDBG loans or HOME programs for first time home buyers or housing rehabilitation.

Commissioner Luebke referred to a letter submitted by Otto Fox and questioned why the Auburn airport had not been considered for the shelters and case law about sex offenders and proximity to schools.

Planner Murray stated that the City Council asked staff to analyze the use of the Auburn airport during their April 2013 hearing. Staff reported back to Council at the



May 2013 hearing that the airport was not an option since locating a shelter at the airport requires additional permitting, which is not allowed per the requirements of Senate Bill 2.

Chair Spokely asked if the zoning at the airport could be redefined.

Director Wong commented that shelters are considered a residential use, which is highly incompatible with the airport.

Planner Murray also noted that there are other standards such as noise that also restricted shelters from the airport.

Planner Murray responded to the question regarding sex offenders in proximity to schools and noted that the City Attorney advised staff that the California Supreme Court is current case law and until they render a decision the issue is up in the air; but in general, any residency restriction is unconstitutional if it effectively prevents a registered sex offender from finding housing anywhere in the City.

Commissioner Luebke asked if sex offenders would be restricted from using a shelter in the proposed project area.

Planner Murray commented that shelters typically self-screen their facilities.

Commissioner Luebke stated that he believed there were two types of facilities, one for individuals and one for families, and asked if the City could limit the shelter to use by families only.

Planner Murray commented that the State would likely restrict the City from setting this type of restriction.

Commissioner Luebke asked if a 500' buffer from single-family property was still in effect with the current proposal as it was with the earlier proposal for the Industrial zone.

Planner Murray noted that the buffer was only associated with the proposal for the Industrial zone and was not included with the current request since Council had targeted specific lots and not an entire zone district.

Commissioner Vitas asked if the State could create an imminent domain situation and force a property owner to sell their property to someone proposing a homeless shelter.

Planner Murray stated that properties that would be zoned to allow emergency shelters would not be subject to imminent domain that would force them to sell their property.

Commissioner Vitas asked if there is precedence for this type of thing anywhere else in the State.

Planner Murray noted that SB 2 applies State-wide and that many jurisdictions already comply with the requirements of the bill.

Commissioner Vitas asked if jurisdictions are building shelters.

Planner Murray commented that some jurisdictions do have facilities, but there are no permanent facilities in Placer County.

Commissioner Vitas asked what happens if there are any nuisance issues associated with the operation of a shelter.

Planner Murray noted that a shelter must develop an operations plan which is then reviewed and approved by the Police and Community Development Departments. The City will then monitor the operation of a facility to insure compliance with the operations plan.

Commissioner Worthington asked about the distance from E.V. Cain school to the project area and why the school's proximity wasn't analyzed in the initial study prepared for the rezone.

Planner Murray noted that the City is not allowed to treat shelters any differently than other use types according to the standards of SB 2.

Commissioner Worthington asked for clarification about changes to the proposed ordinance text.

Planner Murray addressed the text changes.

Commissioner Worthington noted a new requirement to maintain a list of residents and asked if the Police Chief had reviewed the wording of the requirement.

Planner Murray noted that the City Council set the requirement.

Chairman Spokely asked staff to review the ramifications to the City if it cannot satisfy the requirements of SB 2 relating to emergency shelters.

Planner Murray summarized the requirements of SB 2 and the potential effects on the City as referenced by staff earlier in the meeting.

Chairman Spokely noted that the proposals are a mandatory step in completing the City's Housing Element and that there are penalties if the City does not.

Chairman Spokely asked if anyone was behind the penalties.

Planner Murray noted that no one person is pursuing these penalties, they are inherent consequences for not having a certified Housing Element.

Director Wong summarized the types of loans and grants the City would not be eligible for.

Commissioner Worthington asked whether regional collaboration was a possibility for the City and whether that would satisfy the City's requirements.

Planner Murray noted that the City did explore regional collaboration with the County back in May, but that the County was not interested since they were already in compliance with the requirements of SB 2.

Commissioner Willick clarified that the regional approach requires that the jurisdiction(s) must physically provide a shelter, not just allow zoning for a shelter.

Chairman Spokely asked if the City is required to provide a facility given the zoning approach the City is currently taking.

Planner Murray confirmed that the City is not required to provide, building, or finance a facility, just that it must establish zoning where a shelter would be allowed as a permitted use.

Director Wong added that most jurisdictions complied with SB 2 by amending their zoning code instead of providing a facility.

Chairman Spokely asked about the occupancy numbers for permanent shelters in the proposed code.

Planner Murray summarized the prior considerations given to the occupancy numbers for a permanent shelter and that City Council had identified an occupancy limit of 25 persons to be appropriate.

Chairman Spokely asked about the operations plan and the limitations placed on smoking, drinking, and drugs.

Planner Murray stated that the language reflected Council's direction.

Chairman Spokely asked about the comments in the Fox letter about the noticing provided for the Planning Commission hearing.

Planner Murray summarized the noticing requirements for public hearings and that proper noticing was provided for both items appearing on the evening's agenda.

Commissioner Vitas asked about buffers from tattoo businesses.

Director Wong reviewed what the State law allows jurisdictions to regulate.

Chairman Spokely commented about possible buffers around single-family residential areas when the City considered the Industrial zone district previously.

Chairman Spokely opened the public hearing.

Jerry Mifsud, Auburn Villa Apartments, stated his opposition to the Auburn Ravine Road area. He expressed his concern for seniors in the Auburn Villa apartment project, an increase in crime, and loss of revenue to businesses in the area. He suggested that the shelter should be located in the County near the services provided at the County offices.

Commissioner Luebke asked if Mr. Mifsud was in favor of the proposed code amendment for the creation of the C-3-ES zone, but not in support of the Auburn Ravine Road location.

Mr. Mifsud stated that he understood the requirement and that a location in the County would be best.

Otto Fox addressed the Commission. He noted that other a number of other jurisdictions use the industrial zone for emergency shelters and asked if the airport was zoned for industrial uses.

Chair Spokely noted that the airport has safety restrictions that disallow residential land uses in the arrival and departure zones.

Mr. Otto Fox asked why the Commission was not considering the Auburn airport.

Commissioner Worthington noted that a shelter is a residential use and is not compatible with the airport.

Mr. Otto Fox asked why other jurisdictions allowed shelters in their industrial zones.

Commissioner Worthington and Commissioner Willick noted that it is because of the restrictions associated with the airport.

Mr. Otto Fox stated that the penalties mentioned by staff were vague and wanted to know which specific laws would affect the City. He also wanted to know why the City didn't pursue collaboration with anyone besides Placer County. Mr. Fox then read his letter that was submitted on September 12<sup>th</sup> into the public record. The letter reviewed the requirements and standards of the law requiring zoning for emergency shelters as well as concerns for shelters, including property values, prior consideration at the Auburn airport, improper noticing, potential use of shelters by

sex offenders and the proximity of the Auburn Ravine Road project area to E.V. Cain school.

Commissioner Worthington commented on the statues referenced in Mr. Fox's letter and the City's ability to restrict sex offenders from residing in a shelter.

Commissioner Willick noted that it is the sex offender's responsibility to know where they are allowed to reside and the Police have the authority to arrest an offender in violation of their parole.

Mr. Otto Fox noted that the Police would only know of the offender if they asked for the occupancy list and if the offender was being truthful. He stated that the City would be exposing itself to a potential lawsuit.

Commissioner Luebke asked if Mr. Fox would consider selling their property so a shelter could be built.

Mr. Otto Fox noted that the shelter could be located on someone else's property.

Mrs. Georgia Fox stated that she and her husband have had the property on Auburn Ravine Road for over 50 years and that she is adamantly opposed to the proposed rezoning of her property.

Commissioner Worthington asked if Mrs. Fox supports the proposed code amendment creating the new zone.

Mrs. Fox stated that she was against the new zone designation.

Mr. Joseph Tucciarone stated that he owns several lots on Sacramento Street that are zoned Regional Commercial (C3) and that he supports the new Regional Commercial – Emergency Shelter zoning.

Mr. Otto Fox addressed the Commission on behalf of his brother, John Fox, a structural engineer. He questioned the timing in the preparation of the proposed ordinance and the environmental document for the rezone and requested that the City Attorney and staff outline the process and procedures used in the creation of ordinances. Mr. Fox questioned how an initial study could be prepared if the ordinance didn't already exist. He requested that a third party conduct a fundamental and economics impact review and also requested that the City prepare an environmental impact report (EIR).

Bernadette Ambers, the McCaulou's store manager, asked what was considered before the C-3-ES zone, where the McCaulou's store is in relation to the project area, and whether there were any other C-3 zones in the City.

Chairman Spokely reviewed the State requirements from SB 2, the City's previous considerations for the zoning to allow emergency shelters, and provisions of the C-3 zone.

Commissioner Worthington commented on the number of Planning Commission hearings that have been held, the State's requirements to pick a zone, and prior zone considerations reviewed by the City.

Ms. Ambers asked if the restrictions being considered with the C-3-ES zone are less than what was previously considered with the Industrial zone.

Chairman Spokely summarized the City's review process of the different zoning options to date and the current proposal being considered.

Ms. Ambers asked if another location would need to be found if the current proposal is not approved.

Chairman Spokely noted that the City has a State mandate to zone for emergency shelters.

Ms. Ambers asked about the timing requirements for the mandate and questioned the City's timing for the proposal.

Curtis Fox stated that he is against the C-3-ES zone district because the designation will impact the future of whichever location is selected.

Chairman Spokely closed the public hearing at 7:40 p.m. for a five minute recess.

Chairman Spokely reopened the public hearing at 7:45 p.m.

Walter Winfrey, DDS, asked about what specific monies the city is currently getting that it would lose by not adopting the proposal.

Chairman Spokely closed the public hearing.

Chairman Spokely summarized the history behind the City's process establish zoning for emergency shelters.

Director Wong reviewed the potential effects if the City does not designate a zone for emergency shelters, but noted that the ramifications are a side issue; the important thing is that the mandate is a State law that the City can't ignore, that the code amendment must get done.

Chairman Spokely commented on the extensive size of the C-3 zone as the likely reason for Council's selection of these lots.

Director Wong noted that Council did not select the C-3 zone, but instead selected the lots in the project area. The C-3-ES zone was selected for the code amendment since all of the lots are located within the C-3 zone. Council doesn't have the intention of targeting more C-3 zone lots; in the future, property owners would need to request a rezone of their property to allow shelters.

Commissioner Worthington noted that Council settled on the C-3 zone.

Director Wong summarized the scope of the City Council's review during its deliberations to find locations.

Commissioner Vitas asked what could happen if the Commission supported the zone district but not the specific lots.

Chairman Spokely pointed out that a similar situation happened with the Commission's actions on the previous code amendment for the overlay zone and overlay sites - the Commission supported the overlay zone but did not support the two overlay sites on Nevada Street or Wall Street.

Commissioner Luebkehan asked how many C-3 zones the City has.

Director Wong summarized the locations of the C-3 zones.

Planner Murray characterized the types of uses allowed in the C-3 zone.

Chairman Spokely noted some of the changes to the code amendment, such as the maximum occupancy permitted in shelters, and asked the Commission if they had any questions about the proposed code amendments.

Commissioner Luebkehan noted that some of the standards set by the Council are more restrictive than the Planning Commission's recommendations, but deferred to the Council's decision, though it makes it more difficult to manage a homeless shelter.

Commissioner Worthington confirmed that the maximum term for residency would be 6 months. She also noted the Commission's discussion from July 2<sup>nd</sup> regarding temporary shelters.

Commissioner Luebkehan asked if it would be possible for the Commission to expand the request to more zones such as the C-1 zone so as to have more options available to the City Council.

Planner Murray commented that the proposal was only for the C-3-ES zone, though the Commission could provide additional recommendations for alternatives if it wished to.

Commissioner Luebkehan stated that he felt the focusing only on this C-3 zone narrows the focus for consideration too much, particularly if new ideas should happen to come up in the next few weeks when this item goes to Council.

Chairman Spokely commented that he liked the idea of making the ES designation more "portable" to apply to other areas.

Director Wong recommended that the Commission take action on the proposal that is before it. He also noted that the Commission could make additional recommendations if it wanted to apply an ES designation to the other commercial zones, but cautioned that the C-1 and C-2 zones are typically located closer to residential zones.

Commissioner Worthington agreed that limiting the ES designation to just the C-3 zone was too restrictive, that more opportunities are available with the C-1 and C-2 zones, and that the Commission should consider broadening the application of the ES zone to more of the commercial areas. She noted that the standards in the code amendment have been strengthened and has no objections to any of the changes.

Commissioner Willick asked what zones other jurisdictions were typically using to satisfy the requirements for emergency shelters.

Planner Murray noted that the zoning varied from jurisdiction to jurisdiction, that staff saw shelters in many different zone districts including industrial, commercial, and multi-family residential, those most jurisdictions seemed to prefer the industrial zones.

Commissioner Willick stated that the M-2 zone is the most fitting zone for shelters.

Commissioner Luebkehan agreed. He asked what different industrial zone districts the City has.

Planner Murray reviewed the City's industrial zone districts.

Commissioner Worthington asked what type of industrial zone district applied to the Borland Avenue area.

Planner Murray noted that the Industrial (M-2) zone applied to Borland Avenue.

Commissioner Luebkehan suggested considering approval of the M-1 and M-2 zones with an ES as well as the C-3-ES.

Director Wong reviewed the prior M-2 consideration and noted that the M-1-ES or M-2-ES wouldn't work unless Council chooses specific properties. Since Council already rejected the M-2 zone, they may not support an M-1-ES or M-2-ES.



Chairman Spokely commented that the Commission needs to react to the proposal before it.

Commissioner Luebkehan suggested that the Commission provide Council with options given that the Commission previously expressed preference for the M-2 zone.

Chairman Spokely summarized the Commission's prior review on previous options.

Commissioner Luebkehan stated that he was not in favor of the C-3 area because it is not a good match to have shelters next to commercial, retail, and business offices. Homeless shelters should be in light industrial areas like other jurisdictions have done. He recognized that no one is going to be happy with whichever zone is selected, but the best option for shelters is the M-1 and M-2 zones.

Commissioners Worthington and Willick noted that the Commission's consideration of the homeless shelter issue came full-circle and that their recommendation is for industrial.

The Commission discussed whether they should recommend the M-2 zone that was originally considered by the City or whether they should recommend an ES designation for the M-1 and M-2 zones.

Commissioner Luebkehan asked what it would mean to go with an ES designation for the M-1 or M-2 zone.

Planner Murray summarized the original M-2 zone proposal, and then noted that with the ES designation, you would need to identify specific lots instead of a zone district.

Commissioner Luebkehan stated he wanted the M-1 and M-2 zones.

Director Wong noted that the original proposal was just for the M-2 zone.

Commissioner Luebkehan asked for clarification between the M-1 and M-2 zones.

Director Wong summarized some differences and noted locations.

Commissioner Willick **MOVED** to recommend denial of the Ordinance Amendment to establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district.

Commissioner Vitas **SECONDED** the motion.

AYES:	Luebkehan, Spokely, Vitas, Willick, Worthington
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was **APPROVED**.

The Planning Commission unanimously stated that the Regional Commercial (C-3) zone is not an appropriate zone for emergency shelters, that the Industrial (M-2) zone district is the most appropriate zone district for emergency shelters, and that the Council should reconsider the M-2 zone.

Chairman Spokely explained to the public the actions taken by the Commission.

**B. REZONE – REGIONAL COMMERCIAL-EMERGENCY SHELTER (AUBURN RAVINE ROAD PROJECT AREA) – FILE# RE 13-3.** The City of Auburn is proposing to rezone nine (9) lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The new C-3-ES zone will include all permitted and conditionally permitted uses currently allowed in the C-3 zone while adding emergency shelters for the homeless as a use permitted by right, subject to development standards.

Planner Murray presented the staff report for the Regional Commercial – Emergency Shelter (C-3-ES) rezone proposal associated with the Auburn Ravine Road project area. He reviewed the rezone proposal and the project area, as well as the existing zoning and land uses of the project area and the surrounding properties. He noted that the project area could be considered an appropriate location give compatibility with uses in the zone, size and availability of parcels, proximity to services and transit, and applicability of the C-3-ES development standards.

Commissioner Worthington commented that only one of the lots is vacant and questioned why the area was selected.

Planner Murray noted that the State has no requirements as to whether the parcels in the selected zone district are developed or undeveloped.

Commissioner Worthington commented on different ways to review and evaluate properties.

Chairman Spokely asked if someone could apply to the City for a use permit to operate an emergency shelter currently.

Planner Murray stated that the City's zoning ordinance does not currently address emergency shelters; and that, barring an opinion to the contrary from the City Attorney, if a use is not included in the ordinance that use is not permitted in the City.

Director Wong reaffirmed that a use is not permitted if it is not included in the City's zoning ordinance. The City has not received a request for a shelter since the

Testimony of Otto Fox  
On behalf of Kenneth and Georgia Fox

Summary:

Chapter 633 as enacted on January 1, 2007 requires that the housing element of a general plan of a city and/or county contain an assessment of housing needs, including an inventory of land suitable for residential development, and a program to identify adequate sites with zoning where emergency shelters are allowed.

Background:

Homelessness is a statewide problem that affects many cities and counties. An estimated 360,000 individuals and families are considered homeless in California. Many causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing. Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters.

Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services. In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this population.

Under this law, an assessment of emergency shelter needs should contain an analysis of population and employment trends and an inventory of land suitable for residential development, including vacant sites having potential for redevelopment with the relationship of zoning and public facilities, schools and services to these sites.

*Assumption: Public facilities and services to these sites include those services which meet the needs of the population being housed, including, but not limited to - residential substance abuse, prison release, parole services, and mental health services.*

The law requires identification of a zone or zones that can accommodate at least one year-round emergency shelter. If the local government can't identify such zone(s) with sufficient capacity, efforts shall be made to amend its zoning ordinance to meet these requirements. Accordingly, the local government may apply written objective standards that may include: maximum number of beds or persons permitted to be served nightly by the facility; off-street parking based upon demonstrated need; size and location of exterior and interior onsite waiting and client intake areas; a provision of onsite management; proximity to other emergency shelters; and security during hours that the emergency shelter is in operation.

The need for emergency shelter shall be assessed based on annual and seasonal need. The assessment shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

Assumption: Assessment of emergency shelter locations must consider where these local and non-profit corporations are located. Such services should include but not be limited to county public assistance programs, county prison facilities, parole services and county health services (i.e. locations near to the current DeWitt county facilities, such as Auburn Muni Airport, which is 1.4 miles from hospital services and 1.6 miles from county jail, parole and health services). Locating emergency shelters under this assumption would be considered "Feasible", as defined in the aforementioned chaptered legislation, in a means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Assumption: Locating an emergency shelter at the Auburn community airport will allay concerns among local commercial and residential property owners on and around the proposed Auburn-Ravine Rd locations. Clearly, some home buyers will take the proximity of a homeless shelter (or stigma of the emergency shelter zoning) into account when buying a home. This will affect resale prices and overall values, and of course the local tax base.

Other Community Concerns: It has come to our attention that Senate Bill 2, Chapter 633 of 2007 should have been addressed by city management shortly after its enactment. As well, this issue was raised on record several times during public discussion. In response, city management deferred this issue due to higher priorities. As commercial property owners within the city, we do not believe our interests, or the interests of local home owners were considered. It is also our understanding that the Auburn Municipal Airport was not considered due to the resistance of airport users citing high value aircraft that might become targets of equipment theft. In addition, the affected groups were not properly notified to testify at these recent hearings.

Additional Statutes that effect the selection of said parcels: Assembly Bill 13 (Chapter 463, Statutes of 2005), concerning Parole placement.

Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole.

This bill (AB 113, Chapter 463) would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to the public from residing within one-half mile of a public or private school.

Concern: There will be some person(s) that fits this category who will reside in the proposed location despite parole requirements, making these properties unacceptable due to their proximity to E.V. Cain School. This could result in harm to Auburn's vulnerable population as well as a potential liability to the city.

Fact: Selected addresses along Auburn-Ravine Road and Grass Valley Highway are located near the E.V. Cain School as follows:

- Lot 1 - 1,164 feet
- Lot 2 - 1,035 feet
- Lot 3 - 900 feet
- Lot 4 - 757 feet
- Lot 5 - 902 feet
- Lot 6 - 931 feet
- Lot 7 - 1,092 feet
- Lots 8 and 9 - 1,139 feet

This is contrary to the draft "Evaluation of Environmental Impact Study which indicates that these 9 properties have "No Impact". More specifically, impact to public services such as schools.

Additional complaints regarding notification: Per SB-2 (Cedillo) Chapter 633, Statutes of 2007: "A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Accordingly, at an Auburn Planning Commission Meeting held on July 2<sup>nd</sup>, Planner Murray stated that public notice complies with State law and included publication in the Auburn Journal and a mailing to all property owners within 500' of the project area.

Fact: Mailing to property owners was not adequately performed, whereas, Kenneth and Georgia Fox first became aware of the issue when reading an article in the Auburn Journal. Also, a close-by residential area (located on Mikkelsen rR) was not notified, since it was just outside the notification area as a result of this minimum effort made to the community.

Testimony of Otto Fox  
On behalf of Kenneth and Georgia Fox  
October 7, 2013

**SB 2, Chapter 633, Statutes of 2007**

Chapter 633 as enacted on January 1, 2007 requires that the housing element of a general plan of a city and/or county contain an assessment of housing needs, including an inventory of land suitable for residential development, and a program to identify adequate sites with zoning where emergency shelters are allowed.

**Background:**

Homelessness is a statewide problem that affects many cities and counties. An estimated 360,000 individuals and families are considered homeless in California. Many causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing. Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters.

Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services. In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this population.

Under this law, an assessment of emergency shelter needs should contain an analysis of population and employment trends and an inventory of land suitable for residential development, including vacant sites having potential for redevelopment with the relationship of zoning and public facilities, schools and services to these sites.

**Assumption:** *Public facilities and services to these sites include those services which meet the needs of the population being housed, including, but not limited to - residential substance abuse, prison release, parole services, and mental health services.*

The law requires identification of a zone or zones that can accommodate at least one year-round emergency shelter. If the local government can't identify such zone(s) with sufficient capacity, efforts shall be made to amend its zoning ordinance to meet these requirements.

The need for an emergency shelter shall be assessed based on annual and seasonal need. The assessment shall identify public and private nonprofit corporations known to the local government which have legal

and managerial capacity to acquire and manage these housing developments.

**Assumption:** *Assessment of emergency shelter locations must consider where these local and non-profit corporations are located. Such services should include but not be limited to county public assistance programs, county prison facilities, parole services and county health services (i.e. locations near to the current DeWitt county facilities, such as Auburn Muni Airport, which is 1.4 miles from hospital services and 1.6 miles from county jail, parole and health services). Locating emergency shelters under this assumption would be considered "Feasible", as defined in the aforementioned chaptered legislation, in a means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*

#### **Previous Action Taken by the City of Auburn**

Chapter 633, was signed on January 2007, and addressed in the Auburn's current Housing Element (i.e. the 2008 Element) which was reviewed and certified by the Department of Housing and Community Development (HCD). Specifically, Auburn adopted their plan in December 2008, indicating their intentions to rezone M-2 by December 2009. This plan put Auburn in compliance with State requirements, thereby qualifying for the 2010 HOME program (administered by HCD). The HOME program enabled the City to assist four low-income families with housing rehabilitation work and two low-income families with home purchases. Unfortunately Auburn did not rezone within the one-year requirement, despite the benefit received.

On April 8th 2013, on a 5-0 vote, the Planning Commission again voted to allow the Emergency Shelter in the M-2 area with Borland Ave as the best possible site. However, this recommendation was later disregarded by the City Council, based on fencing requirements, and replaced with the current C-3 location.

The next update to the City's Housing Element is due this year (deadline is 10/31/13). The State will not certify the City's 2013 Housing Element until the City has completed its zoning for emergency shelters.

#### **AB 13, Chapter 463, Statutes of 2005, Parole Placement**

Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole.

This bill (AB 113, Chapter 463) would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to

the public from residing within one-half mile of a public or private school.

Concern: *There will be some person(s) that fits this category who will reside in the proposed location despite parole requirements, making these properties unacceptable due to their proximity to E.V. Cain School. This could result in harm to Auburn's vulnerable population as well as a potential liability to the city.*

How other Cities or Counties dealt with this issue:

Orange County - made a presentation before the Fullerton City Council on February 1, 2013 and hosted a Community Meeting on March 11 at the Fullerton Main Public Library. The County also held additional meetings with the Fullerton School District to discuss the issues of emergency shelters. Accordingly, the following was proposed:

- The Shelter Operator will coordinate with the Fullerton Police Department, Homeless Liaison Officers on intake and internal security plans to insure the safety of the surrounding community
- A designation of emergency shelter site will take into account all applicable laws, regulations and ordinances, including but not limited to, city ordinances and State statutes related to the prohibition of registered sex offenders in certain areas in the vicinity of schools, parks and day care centers. This includes the terms of "Jessica's Law," which states that registered sex offenders can't live within 2,000 feet of a school.

City of Concord stated that no emergency shelter shall be located:

- (1) Within 300 feet of any Residential District;
- (2) Within 300 feet of another emergency or homeless shelter; and
- (3) Within 1,000 feet of an elementary school, middle school, high school, public library, or public park."

As stated: *"The distance between an emergency or homeless shelter and the uses and districts described above shall be measured in a straight line, without regard to intervening structures or objects, from the closest, portion of the building or structure in which the emergency or homeless shelter is located to the boundary of the use or district described above."*



<sup>i</sup>Using this criterion and measuring from the point where an emergency shelter may be built (on the nine lots) to the E.V. Cain Playground, the following was observed:

- Lot 1 - is 865 feet from the E.V. Cain Playground;
- Lot 2 - 713 feet;
- Lot 3 - 457 feet;
- Lot 4 - 390 feet;
- Lot 6 - 414 feet;
- Lot 7 - 584 feet; and,
- Lots 8 and 9 - 652 feet.

<sup>ii</sup>This is contrary to the draft "Initial Study - Evaluation of Environmental Impacts" which indicates that these 9 properties have "No Impact" to public services and schools.

### **Reconsider the Auburn Municipal Airport**

On April 16, 2013, the City of Auburn requested that the Placer County Transportation and Planning Agency (PCTPA) provide an analysis on whether the Airport Industrial property would be a compatible land use for Emergency Shelters. Accordingly, the following was discovered:

- Under the Placer County Airport Land Use Compatibility Plan (ALUCP), there is no specified land uses listed for Emergency Shelters; however, there is nothing that precludes them.
- An emergency shelter could potentially be included in the institutional and commercial land use category for purposes of the ALUCP
- No emergency shelter should be located in any compatibility zone except Zone C-1 of the Municipal Airport
- An emergency shelter would be consistent with airspace protection provisions provided no structure exceeds the height limitations identified for Zone C-1.
- Overall rating: "Compatible subject to Conditions" (as provided in the ALUC response)

Based on these findings and provided an emergency shelter is categorized as commercial land use consistent with hotels and motels, emergency shelters could be considered in ALUCP Compatibility Zone C1, with restrictions. As a result, shelters would generally be limited to the properties on the south side of Earhart Avenue. However, according to the PCTPA, this limitation would not be consistent with the State statute since the use would not be permitted throughout all of the AI-DC Zone.

This finding is contrary to the zoning overlay process, which enables the City to identify specific locations which it believes to be appropriate for emergency shelters, without the need to identify/select an entire zone district (i.e. individual lots or areas can be selected without regard to the zone designation of the properties).

How other Cities or Counties dealt with this issue:

<sup>iii</sup>Riverside County - A proposed ordinance would allow emergency shelters with a maximum estimated 80 people within a building approximately 10,000 sq. ft. in size. Initial findings of the County Airport Land Use Commission (ALUC) found this proposal to be inconsistent with compatibility Zones A, B1, and C standards for average intensity. However, ALUC staff revised their opinion to tie the number of beds to the distance from the runway, thereby, stating: *"No emergency shelter shall be located within 1,700 feet of any point on the centerline of a runway of a public-use airport that is less than 6,000 feet in length."*

This same limitation could apply to the south side of Earhart Avenue.

### **Approve Auburn City Planning Commission Proposal**

It is requested that the City Council approve the September 17th Planning Commission recommendation to consider M-1 and M-2 Zones as part of the Emergency Shelter Overlay. On their 5-0 decision they recognized the concerns of Auburn's citizenry and recommended moving the proposed zoning overlay away from the local schools, senior housing, and businesses in the area.

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<sup>i</sup> Based on Google Maps Distance Calculator

<sup>ii</sup> Section XIV. Public Services - "Initial Study - Evaluation of Environmental Impacts"

<sup>iii</sup> County of Riverside Airport Land Use Commission - January 13, 2011 [continued from December 9, 2010]  
(Reconsideration -originally considered on October 14, 2010)

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of *FAMILY* and add definitions for *EMERGENCY SHELTER*, *INSTITUTIONAL USE*, *SUPPORTIVE HOUSING* and *TRANSITIONAL HOUSING*, to read as follows:

**EMERGENCY SHELTER.** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

**FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**INSTITUTIONAL USE.** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

**SUPPORTIVE HOUSING.** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.

- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
- 6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  - 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  - 8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

**159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  - 1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  - 2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  - 3. Temporary emergency shelters are not subject to any distance separation requirements.
  - 4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  - 5. The shelter shall not operate more than 12 hours per day.
  - 6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

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## *Report to the Auburn City Council*

Action Item	9
Agenda Item No.	
City Manager's Approval	

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner  
**Date:** October 14, 2013  
**Subject:** Rezone – Regional Commercial–Emergency Shelter Zone District (Auburn Ravine Road Project Area) – File # RE 13-3

### *The Issue*

Should the Auburn City Council adopt the Initial Study and Negative Declaration prepared for this project in accordance with the California Environmental Quality Act (CEQA), and approve a Rezone proposal that would rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES)?

### *Recommended Motion (Denial of Rezone)*

On Tuesday, September 17, 2013, the Auburn Planning Commission recommended, by a vote of 5-0, that the Auburn City Council take the following action:

- A. By Motion, deny the Rezone proposal to rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).

### *Alternative Motion (Approval)*

If the City Council supports the rezone proposal for the Auburn Ravine Road project area, staff recommends the following actions:

- B. By Motion, adopt the Initial Study and Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA) for the Auburn Ravine Road project area rezone (Exhibit A); and
- C. By Motion, introduce and hold a First Reading, by title only, of the attached Ordinance (Exhibit B) which approves the Rezone proposal to rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).

**Background**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. Jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

In order to satisfy the requirements of SB 2, the Auburn Planning Commission and the Auburn City Council have considered different options over the course of several meetings from March-August, 2013. Options reviewed by the City have included: 1) allowing emergency shelters in the Industrial (M-2) zone district; 2) allowing emergency shelters via an overlay zone designation; 3) partnering with Placer County to jointly provide an emergency shelter; 4) and consideration of several locations throughout the community including, but not limited to, the Auburn Airport, various zone districts, Nevada Street, and Wall Street.

The Auburn City Council, at its meeting on Monday, August 12, 2013, considered various location alternatives and received public input on potential options. After deliberation, the Council identified several lots along Auburn Ravine Road, north of Elm Avenue as potentially appropriate lots for emergency shelters (Attachment 1). Council directed staff to prepare the necessary amendments to the City of Auburn Municipal Code (AMC) that would establish a zone district allowing emergency shelters “by right”, and also directed staff to prepare the necessary Rezone entitlement that would enable the City to rezone the project area to allow emergency shelters. This report addresses the Council’s direction to provide the required Rezone entitlement for the Auburn Ravine Road project area. A separate entitlement for the necessary code amendments to establish the C-3-ES zone district is being processed concurrent to this Rezone.

**Regional Commercial - Emergency Shelter Rezone**

The current proposal rezones the Auburn Ravine Road project area from Regional Commercial (C-3) to the new Regional Commercial – Emergency Shelter (C-3-ES) zone district. The project area is illustrated with Attachment 1; Attachment 2 provides an aerial view of the area, and Attachment 3 shows the existing zoning for the project area and surroundings.

The new C-3-ES zone includes all permitted and conditionally permitted uses allowed in the C-3 zone and adds emergency shelters (i.e. homeless shelters) as a use permitted by right, subject to development standards. The existing C-3 zone district allows a wide variety of permitted and conditionally permitted uses, including retail, office, and services. Comparable uses allowed in the C-3 zone include apartments and rental housing, hotels/motels, and large residential care facilities (with use permit).

All emergency shelters permitted in the C-3-ES zone district will be subject to the development standards that are included with the new code amendment establishing the C-3-ES zone (see draft ordinance included as part of Attachment 4). Key features of the development standards include:

- a. Occupancy – Maximum occupancy in a permanent shelter will be twenty-five (25) individuals.
- b. Parking - Shelters must provide parking for each staff member and every four occupants.
- c. Management – Standards are included for shelter management, including a minimum of two staff members at all times; security personnel; and, coordination with the Police Department regarding the names of persons residing at the shelter.
- d. Facilities – Shelters will be required to provide certain minimum facilities including common areas for use by the occupants; secure storage facilities; laundry facilities; and at least two showers.
- e. Operations Plan – Shelters will prepare and maintain an operations plan which address issues such as security, safety, noise control, admission and discharge procedures, training, communication, and the prohibition of smoking, drinking, and non-prescription drug use.

The development standards summarized above, and detailed with the new code amendments, are consistent with the California Government Code provisions required by SB 2 and are intended to insure the safe, effective, and efficient operation of each emergency shelter and compatibility with the designated sites.

#### **Planning Commission Meeting – September 17, 2013**

The Auburn Planning Commission held a public hearing on Tuesday, September 17, 2013 to consider the proposal to rezone the Auburn Ravine Road project area. The Planning Commission staff report for the September 17<sup>th</sup> hearing provides a more detailed summary of the existing site, zoning, surrounding land uses, the proposed ordinance, and development standards (see Attachment 4).

The Commission received testimony from 13 individuals, including affected owners of properties in the proposed project area; all of the speakers expressed their opposition to the rezone proposal. The Planning Commission considered the proposed rezone and evaluated whether the project area was appropriate for a potential homeless shelter. Based on concerns about the project area and surrounding properties, the Planning Commission voted against the proposal by recommending that the City Council deny the rezone of the properties to the Regional Commercial – Emergency Shelter (C-3-ES) zone district.

The minutes summarizing the statements from all of the public speakers as well as the questions and comments from the commissioners are provided in the attached Planning Commission minutes (Attachment 5).

#### **Public Correspondence**

Following the September 17<sup>th</sup> Planning Commission hearing, the City received several letters associated with the Rezone proposal (see Attachments 6-11). The letters represent property owners within the project area (Attachments 7 and 10), owners and residents in the nearby area, and one Planning Commissioners. All of the letters express opposition to the proposal for the Auburn Ravine Road project area.

**Environmental Determination**

The Auburn Community Development Department prepared an Initial Study and Negative Declaration for public review (Exhibit A) in accordance with the California Environmental Quality Act (CEQA). A copy of the Negative Declaration was posted for a 20-day review period starting August 29, 2013.

**Alternatives Available; Implications of Alternatives**

1. Deny the Rezone request as recommended by the Planning Commission. If denied, the City Council should identify an alternative to insure compliance with SB 2.
2. Approve the Rezone request; this would comply with the requirements of SB 2.
3. Continue the request and direct staff to provide additional information.

**Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

**Attachments:**

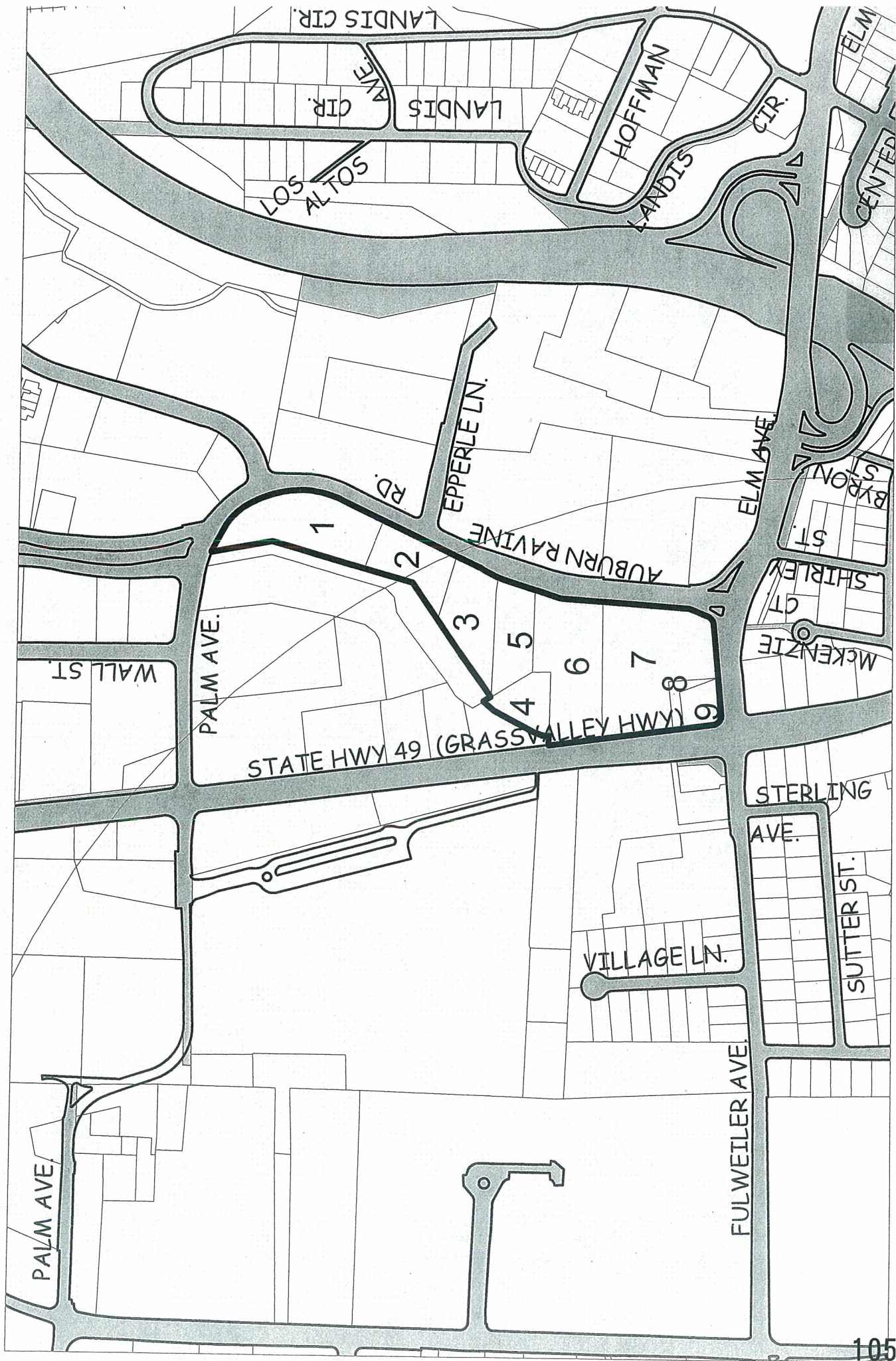
1. Project Area Map
2. Aerial Photo of Project Area
3. Existing Zoning Map of Project Area
4. Planning Commission Staff Report – September 17, 2013
5. Planning Commission Minutes – September 17, 2013
6. Letter from Ann Fenn dated September 26, 2013
7. Letter from Read Investments dated October 4, 2013
8. Letter from Bhakti Banning dated October 4, 2013
9. Letter from Jane Flickinger & James Cummings dated October 5, 2013
10. Letter from Otto Fox dated October 7, 2013
11. Letter from Roger Luebkehan dated October 5, 2013

**Exhibits:**

- A. Initial Study / Negative Declaration – Auburn Ravine Road Emergency Shelter Rezone
- B. Ordinance – Auburn Ravine Road Emergency Shelter Rezone from C-3 to C-3-ES



# Emergency Shelter Rezone Project Area



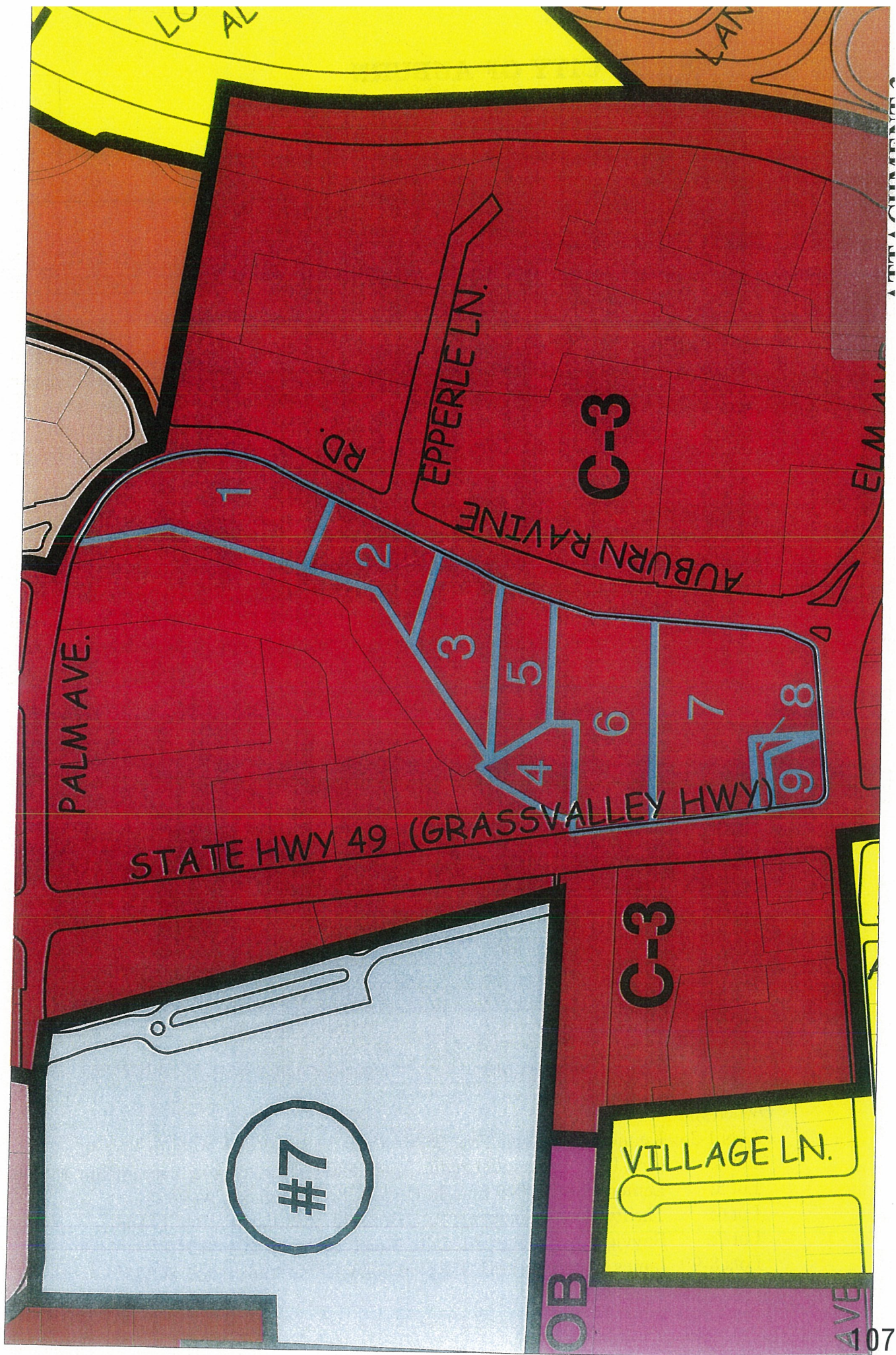


# Emergency Shelter Rezone - Site Aerial





# Emergency Shelter Rezone Project Area - Existing Zoning







# CITY OF AUBURN

**Planning Commission – Staff Report**  
**Meeting Date: September 17, 2013**

**Prepared by: Reg Murray, Senior Planner**

**ITEM NO.**  
**V-B**

**ATTACHMENT 4**

**ITEM V-B: REZONE – REGIONAL COMMERCIAL - EMERGENCY SHELTER ZONE DISTRICT (AUBURN RAVINE ROAD PROJECT AREA) – FILE# RE 13-3.**

**REQUEST:** The City of Auburn is proposing to rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The new C-3-ES zone will include all permitted and conditionally permitted uses currently allowed in the C-3 zone while adding emergency shelters for the homeless as a use permitted by right, subject to development standards.

**RECOMMENDED MOTION:**

Move to adopt Planning Commission **Resolution 13-16**, recommending that the Auburn City Council adopt the Initial Study and Negative Declaration prepared for this project in accordance with the California Environmental Quality Act (CEQA), and approve a Rezone proposal that would rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES), as presented, or as amended by the Planning Commission.

**BACKGROUND:**

**Applicant:** City of Auburn

**Location; Assessor's Parcel Number; Lot Size (Attachments 1 & 2):**

<b>Lot</b>	<b>APN</b>	<b>Address</b>	<b>Size (acres)</b>
1	001-044-043	391 Auburn Ravine Road	±1.57
2	001-044-042	301 Auburn Ravine Road	±0.82
3	001-044-041	271 Auburn Ravine Road	±0.94
4	001-044-030	424 Grass Valley Hwy	±0.51
5	001-044-019	251 Auburn Ravine Road	±0.78
6	001-044-029	420 Grass Valley Hwy	±1.76
7	001-044-027	414 Grass Valley Hwy	±2.35
8	001-044-026	402 Grass Valley Hwy	±0.14
9	001-044-017	402 Grass Valley Hwy	±0.31

**Owner(s):**

Lots 1-3: Kenneth & Georgia Fox; 8830 Mount Vernon Road; Auburn, CA 95603  
 Lot 4: First US Community Credit Union; 580 University Ave; Sacramento, CA 95825  
 Lot 5: Lameret LLC; 7049 Enright Drive; Citrus Heights, CA 95621  
 Lot 6: Thrifty Realty Company; P.O. Box 8431; Harrisburg, PA 17105  
 Lot 7: Bayview Associates; 2025 4th Street; Berkeley, CA 94710  
 Lots 8-9: James Claussen; 1981 S. Robin Lane; Chino Valley, AZ 86323



Site Zoning Designation (Attachment 3): Regional Commercial (C-3)

Site General Plan Designation: Mixed Use (MU)

Site Land Use:

Lot 1: Offices; Automotive Service  
Lot 2: Vacant  
Lot 3: Mortuary  
Lot 4: Bank  
Lot 5: Offices  
Lot 6: Rite Aid  
Lot 7: Grocery Outlet  
Lots 8&9: Smog inspection station

Surrounding Zone Districts:

North: Neighborhood Commercial (C-1) and C-3  
East: C-3  
South: C-3  
West: C-3

Surrounding Land Uses:

North: Retail  
East: Vacant commercial lot and a commercial shopping center  
South: Gas station; office complex  
West: Vacant commercial lot (northern end) and various retail commercial (southern end)

**HISTORY:**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

The Auburn Planning Commission and the Auburn City Council have considered different options in order to satisfy the SB 2 requirements over the course of several meetings from March-August, 2013. Options reviewed by the City have included: 1) allowing emergency shelters in the Industrial (M-2) zone district; 2) allowing emergency shelters via an overlay zone designation; 3) partnering with Placer County to jointly provide an emergency shelter; 4) and consideration of several locations throughout the community including, but not limited to, the Auburn Airport, various zone districts, Nevada Street, and Wall Street.

At its most recent meeting on the topic (Monday, August 12, 2013), the City Council discussed various location alternatives and received public input on potential options. After deliberation, the Council identified several lots along Auburn Ravine Road, north of Elm Avenue (i.e. the Auburn

Ravine Road project area; see Attachment 1) as potentially appropriate lots for emergency shelters. Council directed staff to prepare the necessary amendments to the City of Auburn Municipal Code (AMC) that would establish a zone district allowing emergency shelters “by right”, and also directed staff to prepare the necessary Rezone entitlement that would enable the City to rezone the project area to allow emergency shelters.

This report addresses the Council’s direction to provide the required Rezone entitlement for the Auburn Ravine Road project area. A separate entitlement for the necessary code amendments to establish the C-3-ES zone district is being processed concurrent to this Rezone. A draft of the proposed ordinance for the code amendments is provided for reference purposes (Attachment 4).

## ANALYSIS:

As previously noted, the City is processing the requisite code amendments to establish a zone district whereby emergency shelters are allowed as a use permitted by right (i.e. no additional entitlements would be required, such as a Use Permit). The proposed code amendments (Attachment 4) establish the Regional Commercial – Emergency Shelter (C-3-ES) zone district. The new C-3-ES zone includes all permitted and conditionally permitted uses allowed in the Regional Commercial (C-3) zone while adding emergency shelters for the homeless as a use permitted by right, subject to development standards. The Regional Commercial (C-3) zone district incorporates a wide variety of permitted and conditionally permitted uses, including retail, office, and services. Comparable uses allowed in the C-3 zone include apartments and rental housing, hotels/motels, and large residential care facilities (with use permit).

The City is processing the enabling ordinance for the C-3-ES zone concurrent with this Rezone entitlement. All emergency shelters permitted in the C-3-ES zone district will be subject to the development standards included in the draft ordinance (see Attachment 4). Key features of the development standards include:

1. Occupancy – Maximum occupancy in a permanent shelter will be twenty-five (25) individuals.
2. Parking - Shelters must provide parking for each staff member and every four occupants.
3. Management – Standards are included for shelter management, including a minimum of two staff members at all times; security personnel; and, coordination with the Police Department regarding the names of persons residing at the shelter.
4. Facilities – Shelters will be required to provide certain minimum facilities including common areas for use by the occupants; secure storage facilities; laundry facilities; and at least two showers.
5. Operations Plan – Shelters will prepare and maintain an operations plan which address issues such as security, safety, noise control, admission and discharge procedures, training, communication, and the prohibition of smoking, drinking, and non-prescription drug use.

The standards summarized above, and detailed with the new code amendments, are consistent with the California Government Code provisions required by SB 2, which insures the safe, effective, and efficient operation of each emergency shelter and compatibility with the designated sites.

The status of the lots within the Auburn Ravine Road project area (Attachment 2) is varied and includes vacant (Lot 2), underdeveloped (Lots 1 & 3), and developed lot (Lots 4-9); and, a majority of the sites are large enough to support an emergency shelter (Lots 1-7), with Lots 8&9 being the possible exception (unless merged). The existing uses within the project area, as well as those properties surrounding the project area include compatible uses such as retail commercial, offices and services. The project area and nearby properties include sites and services which are beneficial to the homeless, including the retail centers on Highway 49 and Elm Avenue (e.g. grocery stores; drug stores). The project area is also located on one of the City's transit system lines and near both the multi-modal station on Blocker Drive as well as Placer County transit routes. Proximity to this commercial area and related transit opportunities compliments the future needs of the residents who would be making use of an emergency shelter in the project area.

Based on consistency with the project area and surrounding zoning, proximity to services and transit, and with the incorporation of the City's development standards for emergency shelters, staff supports approval of the Rezone of the Auburn Ravine Road project area from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).

Public Comment – In response to the public notice for the Planning Commission hearing, the City received two letters in opposition to the Rezone. Both letters are from property owners within the Auburn Ravine Drive project area (see Attachments 5 & 6); the Fox's own Lots 1, 2 & 3 while Mr. Meert owns Lot 5 (see Attachment 1).

Authority – The Planning Commission serves as a reviewing and recommending body to the City Council on Rezone proposals. All comments and recommendations from the Commission will be forwarded to the Auburn City Council for consideration during their deliberations. The City Council is tentatively scheduled to consider the Rezone proposal on Monday, October 14<sup>th</sup>.

#### **ENVIRONMENTAL SUMMARY:**

The Auburn Community Development Department prepared an Initial Study and Negative Declaration for public review (Exhibit B) in accordance with the California Environmental Quality Act (CEQA). A copy of the Negative Declaration was posted for a 20-day review period starting August 29, 2013.

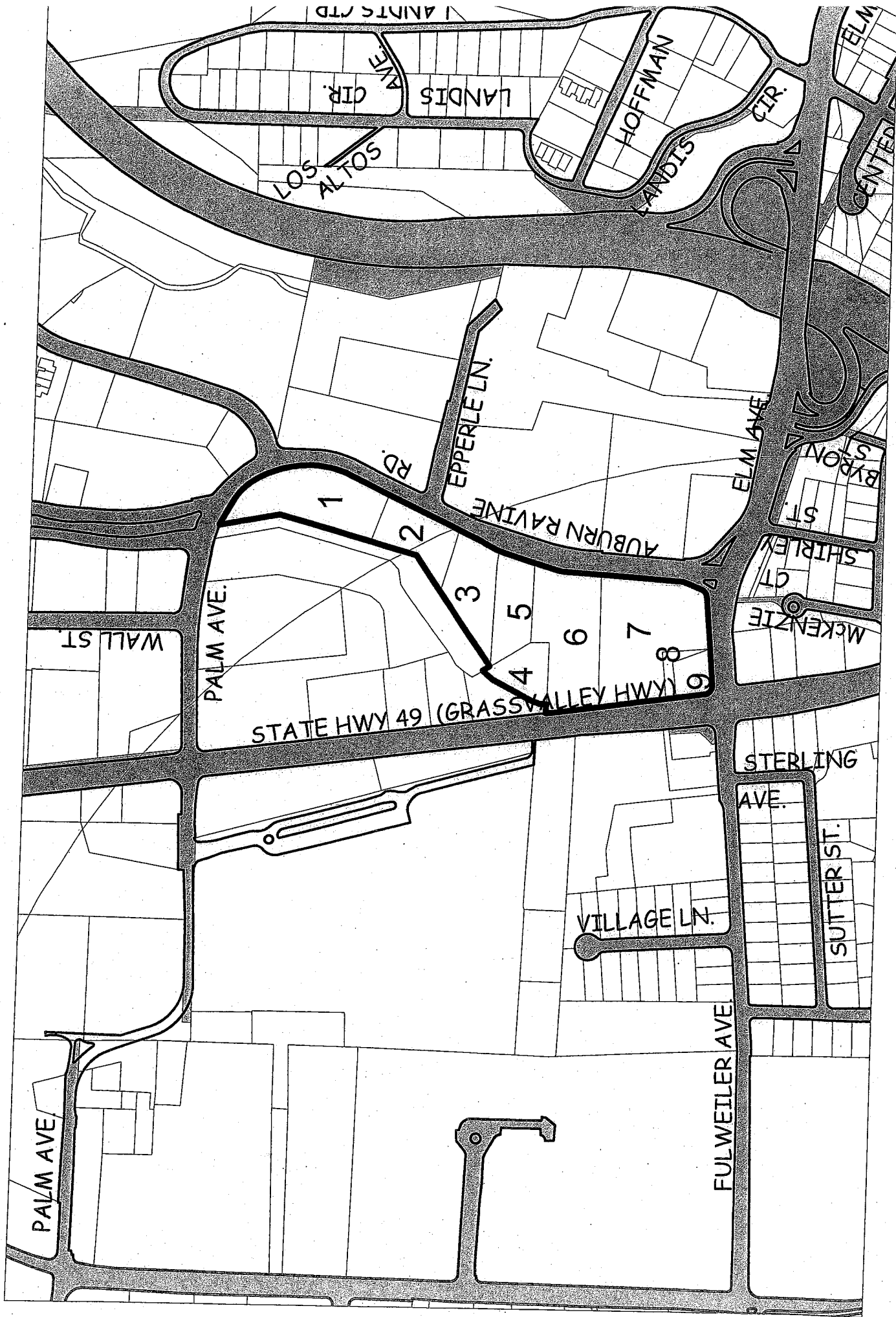
#### **ATTACHMENTS**

1. Vicinity Map
2. Aerial Photo with Lots Numbered
3. Existing Zoning Map
4. Draft Ordinance for Regional Commercial – Emergency Shelter (C-3-ES) Zone District
5. Letter from Kenneth & Georgia Fox dated August 28, 2013
6. Letter from Arnold Meert dated August 30, 2013

#### **EXHIBITS**

- A. Planning Commission Resolution 13-16 - Nevada Street Emergency Shelter Overlay Zone
- B. Initial Study / Negative Declaration – Auburn Ravine Road Emergency Shelter Rezone

# Emergency Shelter Rezone Project Area



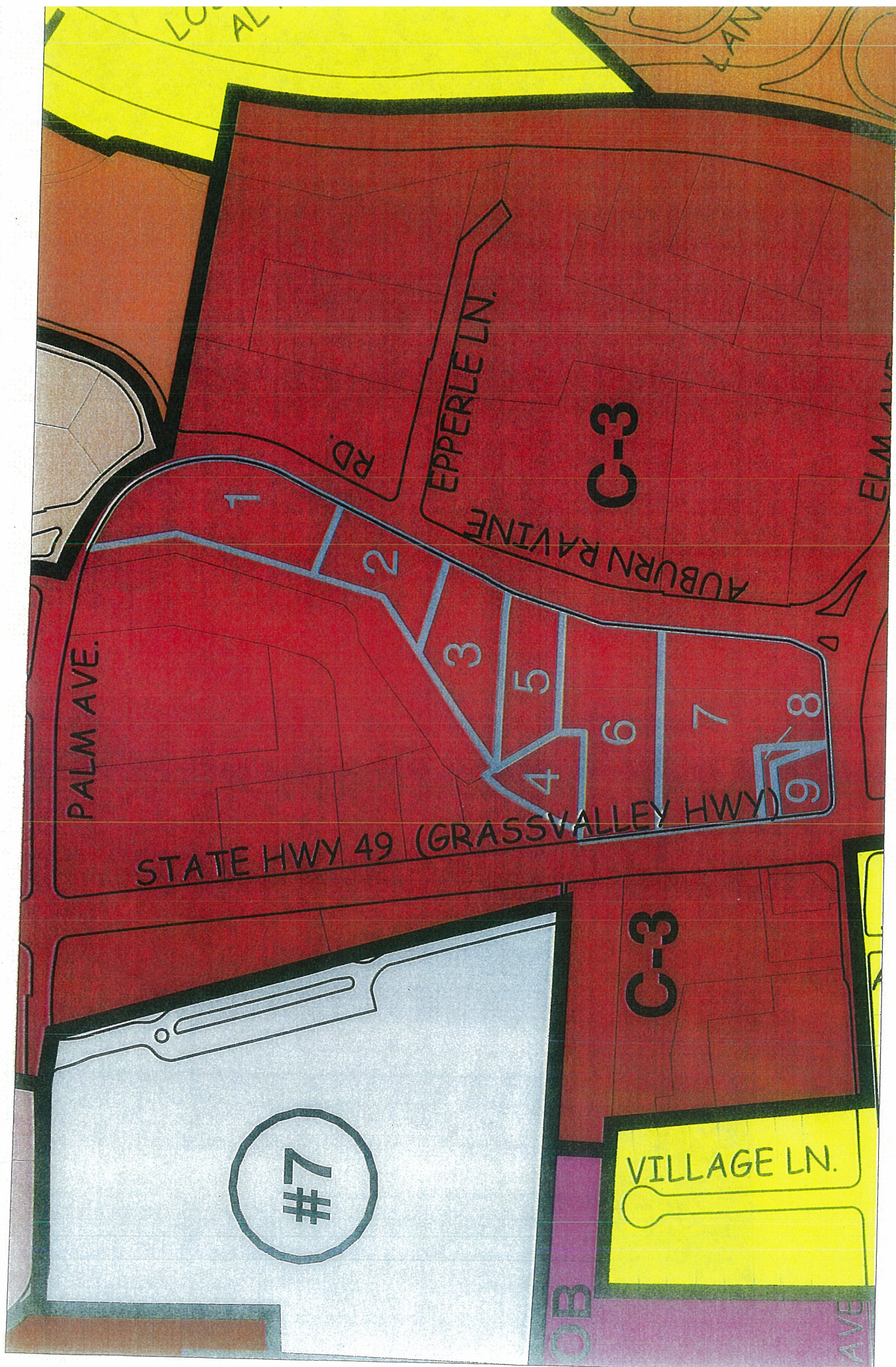


# Emergency Shelter Rezone - Site Aerial





# Emergency Shelter Rezone Project Area - Existing Zoning





ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

**EMERGENCY SHELTER.** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

**FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**INSTITUTIONAL USE.** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

**SUPPORTIVE HOUSING.** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.



- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
- 6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  - 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  - 8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

**159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  - 1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  - 2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  - 3. Temporary emergency shelters are not subject to any distance separation requirements.
  - 4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  - 5. The shelter shall not operate more than 12 hours per day.
  - 6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

Mr. Will Wong  
Community Development Director  
1225 Lincoln Way  
Auburn, Ca. 95603

August 28, 2013

Kenneth H. and Georgia M. Fox  
8830 Mt. Vernon Road  
Auburn, Ca 95603

RECEIVED

AUG 29 2013

COMMUNITY DEVELOPMENT  
CITY OF AUBURN

Dear Mr. Wong:

*This letter is written to direct your attention to the City of Auburn meeting August 13, 2013. The agenda was in particular the compliance of Senate Bill #2 in 2007, designating areas where permanent shelters for the homeless can be constructed. The area chosen was voted for without notifying the owners and residents of the area specified.*

*As owners of 1100 front feet in the specified area, we object totally. It is unconscionable that the City of Auburn who owns property in complete compliance with this Senate Bill, would disrupt the lives of its citizens in order to not use its own land that it wants to save for future development.*

*It is obvious that the political pressure is upon you as your deadline is October 2013. In our opinion, it seems impossible for you to shift the burden of your negligence upon us as owners and residents of this area.*

*The unfortunate homeless, people with mental problems, criminals let out of jail and juvenile problem people do not have the right to jeopardize the lives, health and safety of us that work and reside on Auburn Ravine.*

*The social impact would be horrendous. We have lived next to an unsupervised group of mentally ill and socially uncontrolled group, whom have usurped the beautiful walkway that was created for the elderly and citizens. We have existed with screams and vulgarities, fights and the aroma of drugs. This has been a latrine for the homeless for years as there are no facilities other than the stores that are near. This exists behind our office at 391 Auburn Ravine Road.*

*This area was dreamed of and implemented by a citizen of Auburn, George Beland, who wanted nothing but beauty for the citizens.*

*We have called for help numerous times from the Auburn Police Department. We have been told in essence that they have to be hands off. We witnessed the removal of a dead woman a few months ago. She frequented the area almost daily, visiting the large group of men that gathered at the city's picnic table so conveniently secluded in the wooded area. The notice of her death was a very carefully written article in the Auburn Journal that would not alarm our neighbors.*

*For some unknown reason, since the council's decision, this area has been cleaned up and now looks decent. This looks suspiciously political to us. This is destruction to the value of our land and buildings and to the future of this area.*

*In the not too distant future, our land will be handed to our very capable children. It will be up to them to develop this area. In the mean time, it is our opinion that you do not have the indiscriminate right to blight our property and that of our neighbors.*

*Sincerely,*

*Kenneth H. Fox DDS and Georgia M. Fox*

Cc: Auburn City Council

*Kenneth H. Fox  
Georgia M. Fox*

City Of Auburn,  
Auburn Planning commission,  
Auburn City Council,

8-30-13

Dear Sirs:

I received a notice today from the City of Auburn and spoke then with Mr. Reg Murray regarding a Rezoning proposal change for the property I own at 251 Auburn Ravine Rd. Auburn, Ca 95603. The rezoning would be a change from C-3 to C-3-ES. He described the proposal to me. He explained the city's need to find a place to satisfy a state requirement, and that my property and area were being investigated as a place to change the zoning.

I expressed with Mr Reg Murray some of my concerns over this change. I am unable to be present at the hearing scheduled for Tuesday September 17, 2013 and would like this letter to represent me and my property at these hearings and any other meetings, hearings or discussions regarding this proposed zone change to this area. Please submit this letter as part of the formal discussion and minutes.

I have a Professional Office building with good professional tenants and a government agency leasing the space. I have made several upgrades to the property and I am in the plans for starting more upgrades to the property shortly. I am helping Auburn look better in upgrading this building.

I have invested a lot of financial resources into my property to deal with the problem of the homeless. They believe my property is theirs to use as a sleeping quarters, a bathroom, and a smoking lounge. They leave their cigarettes burning on my wood deck, and I fear for fire. I send people to clean up their fecal matter or neutralize their urine odor on the walks and stairs. My tenants have to wake them up and send them on their way so the customers can get to their offices. My tenants have been tolerant but their patience is thin and I risk loosing their leases.

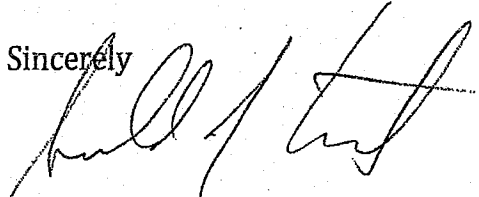
I built a \$17,000 wrought iron fence around the property, only to just slow the homeless use. I have just installed \$24,000 worth of High definition cameras with web access, to monitor when they come and go. They are still defiant. My manager is now searching for a company to start paying several hundred dollars a month for a service to watch for them and have them removed. The homeless are a very high expense item on my budget.

I object to the proposed zoning change for the following reasons.

- 1) I cannot run a profitable business with additional homeless problems. They are breaking my checkbook.

- 2) The value of the property will drop and it will become hard to sell. I, like you, am not in the business of buying high and selling low.
- 3) All of the properties are expensive business parcels, except for APN: 001-044-(041,042,043). No one will use their finances to purchase the expensive business properties on a main highway and turn them into homeless shelters. The 3 minimally improved properties that could be used for the homeless, lie adjacent to my property.
- 4) These 3 properties potentially could be bought and used to set up inexpensive "emergency" homeless facilities. I see a tent city with porta potties. Homeless lounging on my fence gazing at the patients and customers as they arrive. Then the inevitable, the uncomfortable customers choosing to go elsewhere along with my tenants. This rezoning is a financial suicide for my property.
- 5) Rezoning the area to allow for Emergency shelters for the homeless will bring more homeless to this particular area.
- 6) I could build a 12 foot brick wall to shield the view of the homeless camps. But this will not deter my tenants from leaving. Business is hard enough without this added burden.
- 7) An alternative is to find a low value property area along side noisy railroad tracks. Cut the grass, trim the trees and put in bathrooms. Find a class D building next door for a food kitchen. This now would be an affordable area that people could buy, operate, and help the homeless. This would be a much better place to rezone, house, and take care of them. Using an area next to down town or businesses destroys the city and its people. I am sure the Auburn City Council and Planning Commission can find another more appropriate place than the proposed area. You are use to solving hard problems in good ways. We need to do that here.
- 8) If you choose to rezone this area, you will need to provide financial support to the police and business, like mine, to deal with the homeless costs. I cannot continue to bear the whole costs on my own. If the Auburn City council creates a problem it is responsible for taking care of it.
- 9) I have invested enough money into the homeless. I do not want to pay my attorney to fight this zoning change. But I will employ him to do that if this site continues to be selected.
- 10) Please, Please, Please, let's find a better solution!

Sincerely



Arnold Meert

Manager Lameret LLC

Owner: 251 Auburn Ravien Rd.

The motion was **APPROVED**.

The Planning Commission unanimously stated that the Regional Commercial (C-3) zone is not an appropriate zone for emergency shelters, that the Industrial (M-2) zone district is the most appropriate zone district for emergency shelters, and that the Council should reconsider the M-2 zone.

Chairman Spokely explained to the public the actions taken by the Commission.

- B. REZONE – REGIONAL COMMERCIAL-EMERGENCY SHELTER (AUBURN RAVINE ROAD PROJECT AREA) – FILE# RE 13-3.** The City of Auburn is proposing to rezone nine (9) lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The new C-3-ES zone will include all permitted and conditionally permitted uses currently allowed in the C-3 zone while adding emergency shelters for the homeless as a use permitted by right, subject to development standards.

Planner Murray presented the staff report for the Regional Commercial – Emergency Shelter (C-3-ES) rezone proposal associated with the Auburn Ravine Road project area. He reviewed the rezone proposal and the project area, as well as the existing zoning and land uses of the project area and the surrounding properties. He noted that the project area could be considered an appropriate location give compatibility with uses in the zone, size and availability of parcels, proximity to services and transit, and applicability of the C-3-ES development standards.

Commissioner Worthington commented that only one of the lots is vacant and questioned why the area was selected.

Planner Murray noted that the State has no requirements as to whether the parcels in the selected zone district are developed or undeveloped.

Commissioner Worthington commented on different ways to review and evaluate properties.

Chairman Spokely asked if someone could apply to the City for a use permit to operate an emergency shelter currently.

Planner Murray stated that the City's zoning ordinance does not currently address emergency shelters; and that, barring an opinion to the contrary from the City Attorney, if a use is not included in the ordinance that use is not permitted in the City.

Director Wong reaffirmed that a use is not permitted if it is not included in the City's zoning ordinance. The City has not received a request for a shelter since the



adoption of SB 2; though if it had, it would have been compelled to complete the code amendment process at that time.

Chairman Spokely opened the public hearing.

Jerry Mifsud, Auburn Villa Apartments, asked about using a County juvenile facility on Epperle Lane.

Planner Murray noted that the building on Epperle Lane is a school district administrative office, not a County juvenile facility.

Ralph Smith, property owner of 430 Grass Valley Hwy, supports the Commission's recommendation to deny the C-3-ES zone. He also opined that it isn't a good long-term decision to locate a homeless shelter in the proposed area given the high volume of traffic on Highway 49; and, he envisioned the proposed area looking like The Fountains development in Roseville one day.

Otto Fox expressed his concern for the proximity of the proposed area to E.V. Cain School.

Mike Granata, 436 Grass Valley Highway, agreed with the Planning Commission recommendation opposing the C-3 zone.

Walter Winfrey, 391 Auburn Ravine Road, asked why a shelter in the area would have to tear down what is already present.

Curtis Fox, Colfax, stated that putting a homeless shelter in the proposed area will negatively affect properties within 500 feet and would constantly require police supervision.

Bernadette Ambers, McCaulou's store manager, stated there are existing safety issues for her employees, i.e. employees being accosted, due to the current homeless population and she is concerned about adding more homeless individuals to the area if a shelter were to be built.

Bhakti Banning, resident in Auburn Villa; asked if the Fox family would be forced to sell their property for a shelter.

Commission Willick indicated that they would not be forced to sell.

Commissioner Worthington stated that the City's responsibility is to identify a zone district (for shelters), but not to build one.

Ms. Banning expressed her concern for the safety of the many seniors in the area. She also pointed out a homeless encampment next to her apartment complex and recounted several acts by the homeless against individuals and property in the area.

Ellen Caraska questioned if property owners could still use their property as they are currently allowed to; whether an owner could be compelled to sell their property; and whether there might be any future State laws requiring property owners with emergency shelter zoning to sell their property. Ms. Caraska also expressed concern that a shelter will negatively affect local businesses.

Terry Henline, manager of the Auburn Villa Apartment, commented about the existing problems with homeless individuals in the area and expressed his concern for the safety of children and the area's numerous seniors if a shelter were to go in the proposed area.

Walt Winfrey recommended putting shelters in the industrial zone.

Ken Fox stated that the homeless and a shelter would have a negative effect on the commercial area and tourism.

Jean Flickinger expressed her concern the negative effect that a shelter has on surrounding properties and property values.

Frank Caraska stated his support for the industrial zone and his opposition to zoning for the C-3 zone.

Chairman Spokely closed the public hearing.

Commissioner Worthington **MOVED** to recommend denial of the Rezone of the Auburn Ravine Road project area from Regional Commercial (C3) to Regional Commercial - Emergency Shelter (C3-ES).

Commissioner Luebkehan **SECONDED** the motion.

AYES:	Luebkehan, Spokely, Vitas, Willick, Worthington
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was **APPROVED**.

## **VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

### **A. City Council Meetings**

None

### **B. Future Planning Commission Meetings**

None

**C. Reports**

None

**VII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

**VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

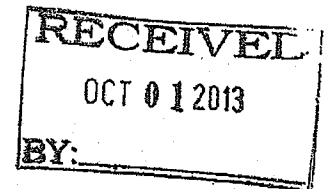
**IX. ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Reg Murray

September 26, 2013



To: Amy Lind, City Clerk  
Auburn City Hall  
1225 Lincoln Way  
Room 8  
Auburn, CA 95603

From: Ann Fenn  
746 Dorothy Way  
Auburn, CA 95603

ATTACHMENT 6

**Re: The Zoning and Location of the SB 2 Homeless Shelter**

Dear Amy Lind:

Thank you for including my letter, directed to the Mayor and all City Council members, in their packet for the October 14, 2013 City Council meeting.

Mayor Hanley and City Council:

I own one of 68 units at my Auburn condominium located off of the intersection of Marguerite Mine Rd and Auburn Ravine Rd. As such, I am impacted unfavorably by your 3-2 vote to rezone the Fox parcels to meet the SB 2 Homeless Shelter requirements. I support the 5-0 veto of your decision by the Planning Commission.

None of the businesses or residents in this R-3 zone were notified of your pending decision, and most do not support it. Approximately 1000 people, many of them seniors, are impacted by your decision to zone for this facility in the corridor formed by Mikkelsen and Auburn Ravine.

I am a tax paying resident of Auburn and I do not support your choice. I support a better choice being found before the coming deadline.

Sincerely,

A handwritten signature in cursive script that reads "Ann Fenn".

Ann Fenn



**READ INVESTMENTS**  
REAL ESTATE DEVELOPMENT & MANAGEMENT

ATTACHMENT 7

October 4, 2013

Auburn City Council  
City Hall  
1225 Lincoln Way  
Auburn, CA 95603

[Sent via email: [rmurry@auburn.ca.gov](mailto:rmurry@auburn.ca.gov)]

**RE: ORDINANCE AMENDMENT – EMERGENCY SHELTERS,  
TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING**

Dear Mayor Hanley and Councilmembers:

Read Investments represents the owners of 414 Grass Valley Highway, also known as the Auburn Grocery Outlet. While we understand the City's need to comply with state laws by creating a zoning district that allows for shelters "by right" we object to the current area being considered for rezoning.

We believe this proposal negatively impacts property rights and we are concerned about other unintended consequences a decision like this may have in the future. Grass Valley Highway serves as a gateway to the community and the retail businesses along this corridor provide much needed goods and services, as well as valuable tax revenue to the City. We do not believe emergency shelters and transitional housing are a use that mixes well with Regional Commercial zoning.

We respectfully request the City consider alternative locations that are more appropriate for this use and also able to accommodate the necessary support services which would be required for such shelters and housing.

Sincerely,

Scott Huffman  
as Agent for RI-Auburn, LLC  
[shuffman@readinvestments.com](mailto:shuffman@readinvestments.com)  
(510) 704-5702

October 4, 2013

Letter to Auburn City Council,

This is my second letter regarding the zoning and possible placement of a 25 bed homeless shelter along Auburn Ravine near the Giant Statues.

I will reiterate again about my concern for the safety of seniors walking to stores in the area. It is about *feeling safe*. Many seniors are not allowed to drive thereby choosing to live within walking distance for their everyday necessities. In fact, I'm told the sidewalk from Palm St. to Rite-Aid was built by the Kiwanis for the convenience of senior walkers. (not verified)

With that in mind, myself and another Auburn Villa resident took that walk Sept 30 to see for ourselves. The path had been cleared of brush, branches and general debris to the extent that it was a very pleasant walk, much more lovely than the sidewalk above with cars and traffic. The trees maintain darkness as well as cooling on a hot day so I don't know if I would always feel safe especially when unkempt men were at the entrance bench. Shelly Jump; a mentally ill woman was found dead in her tent along the same creek last January 18. On our walk we encountered Rick the older homeless gentleman that frequents the area, drinking beer and occupying the only picnic table. He mumbled incomprehensible words after being kindly approached in conversation. Last Saturday I saw 7 young men at the bench who appeared to be preparing to camp with their sleeping bags and backpacks. These latter two situations, as is not unlawful, nevertheless create fear in elderly walking to nearby stores or to use a park picnic table. Quite frankly, after seeing the beautiful creek I would love to walk my grandson on a picnic to that table.

The question is - where *can* homeless people congregate? Does that idea accompany city council's future plans? The dilemma is *not to add to* already existing problems by zoning for a shelter there. Loitering numbers have increased in hideaway areas. The police cannot be everywhere and unless there is a law broken they cannot and should not do anything.

In my opinion Shelter zoning should be zoned light industrial close to other facilities such as food banks, medical and mental health clinics and social work services. Most communities I'm familiar with clump together several social services with housing to save city funds. I appeal to the Auburn City Council to find a way to *reconsider* those options with counterparts in Placer County.

On a related issues, in my talking to various people I found that my neighborhood area is sensitive to becoming an Auburn Historic designated place for the Giant Statues plus the scores of additional smaller statues also fashioned by Dr Fox. The statues may someday be considered by the Arts Council as a tourist designation for art in public places especially if they are set in a park environment. In addition Auburn Ravine Creek is designated as part of the ecosystem restoration plan in bringing back the salmon and steelhead under SARSAS.org. These three issues are for us as a community to consider especially when thinking of Auburn as bringing in revenue from tourist dollars.

Respectively submitted,



Bhakti Banning  
618 Mikkelsen Dr, #11  
Auburn, CA 95603  
530 820-3868

October 5, 2013

City of Auburn  
City Council  
1225 Lincoln Way  
Auburn, CA 95603

RECEIVED

OCT 04 2013

BY: \_\_\_\_\_

ATTACHMENT 9

City Council,

My husband and I own a residence on Shirley Street, very close to the Grocery Outlet Center. We are very concerned about the proposed rezoning of the parcels on Highway 49 and Auburn Ravine to allow for operation of homeless shelters permitted by right, virtually without further City approval.

While the State requires every city to name such a zone within city limits, locating such a facility in the proposed area would be both ill-advised and ill-fated. The proximity of the proposed parcels to children attending EV Cain School and seniors living in the many complexes in that area could easily lead to unfortunate incidents for which the City could surely be held responsible.

Studies have shown that the most frequent causes of homelessness are mental illness, substance abuse, lack of affordable housing, and release from prison. Apparently the California Supreme Court has declared it unconstitutional to restrict where offenders released from prison can reside, but that does not mean their decision was prudent. Acknowledging the needs of the homeless for an emergency shelter during cold and wet weather, locating a shelter in an area more remote from the main thoroughfare through our town – an area closer to services such as mental health services, residential substance abuse, parole services and benefits assistance – would be a better choice.

Additionally, the proposed occupancy rate of 25 residents for up to two months each, with a suggested inclement-weather rate of up to 75, plus the recommended staff of 1 for every 4 residents, is excessive for this area – the major intersection and entrance into town. Plus, judging from the experience of other cities, this facility could easily become a magnet to attract additional homeless and unemployable transients that would “hang out” in the area.

Despite the limited time until the final deadline in February, the council should be seeking an optimum resolution to this difficult, State-mandated requirement. We believe that these nine proposed lots would be a very unfortunate choice. Perhaps considering other M-1 or C-3 or even overlay zones located farther from this major intersection and entrance into town, or even re-examining previously rejected areas, would better suit Auburn residents and the image this area should project.

Sincerely,

*Jane Flickinger*

Jane Flickinger  
11700 Quail Rd.  
Auburn, CA 95602

*James Cummings*

James Cummings  
11700 Quail Rd.  
Auburn, CA 95602

Testimony of Otto Fox  
On behalf of Kenneth and Georgia Fox  
October 7, 2013

**SB 2, Chapter 633, Statutes of 2007**

Chapter 633 as enacted on January 1, 2007 requires that the housing element of a general plan of a city and/or county contain an assessment of housing needs, including an inventory of land suitable for residential development, and a program to identify adequate sites with zoning where emergency shelters are allowed.

**Background:**

Homelessness is a statewide problem that affects many cities and counties. An estimated 360,000 individuals and families are considered homeless in California. Many causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing. Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters.

Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services. In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this population.

Under this law, an assessment of emergency shelter needs should contain an analysis of population and employment trends and an inventory of land suitable for residential development, including vacant sites having potential for redevelopment with the relationship of zoning and public facilities, schools and services to these sites.

**Assumption:** *Public facilities and services to these sites include those services which meet the needs of the population being housed, including, but not limited to - residential substance abuse, prison release, parole services, and mental health services.*

The law requires identification of a zone or zones that can accommodate at least one year-round emergency shelter. If the local government can't identify such zone(s) with sufficient capacity, efforts shall be made to amend its zoning ordinance to meet these requirements.

The need for an emergency shelter shall be assessed based on annual and seasonal need. The assessment shall identify public and private nonprofit corporations known to the local government which have legal



and managerial capacity to acquire and manage these housing developments.

**Assumption:** Assessment of emergency shelter locations must consider where these local and non-profit corporations are located. Such services should include but not be limited to county public assistance programs, county prison facilities, parole services and county health services (i.e. locations near to the current DeWitt county facilities, such as Auburn Muni Airport, which is 1.4 miles from hospital services and 1.6 miles from county jail, parole and health services). Locating emergency shelters under this assumption would be considered "Feasible", as defined in the aforementioned chaptered legislation, in a means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

#### **Previous Action Taken by the City of Auburn**

Chapter 633, was signed on January 2007, and addressed in the Auburn's current Housing Element (i.e. the 2008 Element) which was reviewed and certified by the Department of Housing and Community Development (HCD). Specifically, Auburn adopted their plan in December 2008, indicating their intentions to rezone M-2 by December 2009. This plan put Auburn in compliance with State requirements, thereby qualifying for the 2010 HOME program (administered by HCD). The HOME program enabled the City to assist four low-income families with housing rehabilitation work and two low-income families with home purchases. Unfortunately Auburn did not rezone within the one-year requirement, despite the benefit received.

On April 8th 2013, on a 5-0 vote, the Planning Commission again voted to allow the Emergency Shelter in the M-2 area with Borland Ave as the best possible site. However, this recommendation was later disregarded by the City Council, based on fencing requirements, and replaced with the current C-3 location.

The next update to the City's Housing Element is due this year (deadline is 10/31/13). The State will not certify the City's 2013 Housing Element until the City has completed its zoning for emergency shelters.

#### **AB 113, Chapter 463, Statutes of 2005, Parole Placement**

Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole.

This bill (AB 113, Chapter 463) would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to

the public from residing within one-half mile of a public or private school.

*Concern: There will be some person(s) that fits this category who will reside in the proposed location despite parole requirements, making these properties unacceptable due to their proximity to E.V. Cain School. This could result in harm to Auburn's vulnerable population as well as a potential liability to the city.*

How other Cities or Counties dealt with this issue:

Orange County - made a presentation before the Fullerton City Council on February 1, 2013 and hosted a Community Meeting on March 11 at the Fullerton Main Public Library. The County also held additional meetings with the Fullerton School District to discuss the issues of emergency shelters. Accordingly, the following was proposed:

- The Shelter Operator will coordinate with the Fullerton Police Department, Homeless Liaison Officers on intake and internal security plans to insure the safety of the surrounding community
- A designation of emergency shelter site will take into account all applicable laws, regulations and ordinances, including but not limited to, city ordinances and State statutes related to the prohibition of registered sex offenders in certain areas in the vicinity of schools, parks and day care centers. This includes the terms of "Jessica's Law," which states that registered sex offenders can't live within 2,000 feet of a school.

City of Concord stated that no emergency shelter shall be located:

- (1) Within 300 feet of any Residential District;
- (2) Within 300 feet of another emergency or homeless shelter; and
- (3) Within 1,000 feet of an elementary school, middle school, high school, public library, or public park."

As stated: "The distance between an emergency or homeless shelter and the uses and districts described above shall be measured in a straight line, without regard to intervening structures or objects, from the closest, portion of the building or structure in which the emergency or homeless shelter is located to the boundary of the use or district described above."

<sup>i</sup>Using this criterion and measuring from the point where an emergency shelter may be built (on the nine lots) to the E.V. Cain Playground, the following was observed:

- Lot 1 - is 865 feet from the E.V. Cain Playground;
- Lot 2 - 713 feet;
- Lot 3 - 457 feet;
- Lot 4 - 390 feet;
- Lot 6 - 414 feet;
- Lot 7 - 584 feet; and,
- Lots 8 and 9 - 652 feet.

<sup>ii</sup>This is contrary to the draft "Initial Study - Evaluation of Environmental Impacts" which indicates that these 9 properties have "No Impact" to public services and schools.

### **Reconsider the Auburn Municipal Airport**

On April 16, 2013, the City of Auburn requested that the Placer County Transportation and Planning Agency (PCTPA) provide an analysis on whether the Airport Industrial property would be a compatible land use for Emergency Shelters. Accordingly, the following was discovered:

- Under the Placer County Airport Land Use Compatibility Plan (ALUCP), there is no specified land uses listed for Emergency Shelters; however, there is nothing that precludes them.
- An emergency shelter could potentially be included in the institutional and commercial land use category for purposes of the ALUCP
- No emergency shelter should be located in any compatibility zone except Zone C-1 of the Municipal Airport
- An emergency shelter would be consistent with airspace protection provisions provided no structure exceeds the height limitations identified for Zone C-1.
- Overall rating: "Compatible subject to Conditions" (as provided in the ALUC response)

Based on these findings and provided an emergency shelter is categorized as commercial land use consistent with hotels and motels, emergency shelters could be considered in ALUCP Compatibility Zone C1, with restrictions. As a result, shelters would generally be limited to the properties on the south side of Earhart Avenue. However, according to the PCTPA, this limitation would not be consistent with the State statute since the use would not be permitted throughout all of the AI-DC Zone.

This finding is contrary to the zoning overlay process, which enables the City to identify specific locations which it believes to be appropriate for emergency shelters, without the need to identify/select an entire zone district (i.e. individual lots or areas can be selected without regard to the zone designation of the properties).

How other Cities or Counties dealt with this issue:

<sup>iii</sup>Riverside County - A proposed ordinance would allow emergency shelters with a maximum estimated 80 people within a building approximately 10,000 sq. ft. in size. Initial findings of the County Airport Land Use Commission (ALUC) found this proposal to be inconsistent with compatibility Zones A, B1, and C standards for average intensity. However, ALUC staff revised their opinion to tie the number of beds to the distance from the runway, thereby, stating: *"No emergency shelter shall be located within 1,700 feet of any point on the centerline of a runway of a public-use airport that is less than 6,000 feet in length."*

This same limitation could apply to the south side of Earhart Avenue.

### **Approve Auburn City Planning Commission Proposal**

It is requested that the City Council approve the September 17th Planning Commission recommendation to consider M-1 and M-2 Zones as part of the Emergency Shelter Overlay. On their 5-0 decision they recognized the concerns of Auburn's citizenry and recommended moving the proposed zoning overlay away from the local schools, senior housing, and businesses in the area.

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<sup>i</sup> Based on Google Maps Distance Calculator

<sup>ii</sup> Section XIV. Public Services - "Initial Study - Evaluation of Environmental Impacts"

<sup>iii</sup> County of Riverside Airport Land Use Commission - January 13, 2011 [continued from December 9, 2010] (Reconsideration -originally considered on October 14, 2010)

Roger Luebke  
1136 Humbug Way, Auburn

October 5, 2014

To Auburn City Council,

I am unable to attend the October 14<sup>th</sup> meeting but would like to express my opinion on the rezoning of the identified parcels for emergency shelters. I feel that this is a not a good site for the following reasons.

1. The parcels are prime retail space. The parcels fronting Hwy 49 are easily accessible from two freeway exits and are in need of redevelopment. Putting an ES designation on these lots seriously deter any developer to come in and put in retail/restaurants/entertainment into that location. In reality, the impact of an emergency shelter nearby may not be significant but the stigma is.
2. The concept of an emergency shelter is to give those in need a place to reorganize their life to move forward. Placing the shelter in this location keeps them in the current homeless environment they are trying to escape. Many of the homeless in the area will not take advantage of the shelter but will spend the day mingling with those that want out. Bad environment.
3. Transportation is limited to the local city bus. To get to the services they need, County offices, education, and employment centers, will require time consuming transfers and will discourage their use.
4. This area was recently upgraded with higher quality retail. Designating this area for an emergency shelter may discourage other retail and/or loss of existing retail. This would have a negative impact on our tax base.

I have studied the zone map and drove through areas that may be more suitable for this designation. In my opinion the best location for this designation is the mixed use zoning district #8 (M-1/C-1). Why?

1. Close to transportation. From here they can get on a bus to the County offices, Sierra College and light rail as well as the City transportation. They also have Amtrak that can take them to employment centers in Sacramento.
2. Removes them from the homeless environment that surrounds the parcels currently under discussion. This will give them a better chance of success.
3. Library located adjacent to this zone. Here they can use computers for job searches or seek education.
4. Placer County Education is located here and would be a good resource to help them in their education needs.
5. Churches nearby to give them a place to fulfill their spiritual needs.
6. Close to Salvation Army to obtain needed services.
7. Less traffic and congestion for them and their family.

It is clear that the District #8 is far superior to the parcels currently being reviewed. We need to give the people in need of an emergency shelter every advantage we can. This would be a good start. I urge you to reconsider and recommend adding the ES designation to District #8.

Respectfully submitted,





## CITY OF AUBURN

Community Development Department

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 885-5508

EXHIBIT A

### NOTICE OF INTENT NEGATIVE DECLARATION

**Project:** Emergency Shelter Rezone – Auburn Ravine Road Project Area

**File No.:** RE 13-03 (Auburn Ravine Project Area)

**Applicant:** City of Auburn

**Description of Project:** The City of Auburn is proposing to Rezone nine lots along Auburn Ravine Road, north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The C-3-ES zone district allows Emergency Shelters as a permitted use type in addition to all other permitted and conditionally permitted uses allowed in the existing C-3 zone. Emergency Shelters are subject to certain development standards as permitted by the California Government Code, including but not limited to occupancy, parking, on-site management, and facility services.

**Project Location:** 391 Auburn Ravine Road (APN 001-044-043);  
**and Assessor's Parcel Number:** 301 Auburn Ravine Road (APN 001-044-042);  
271 Auburn Ravine Road (APN 001-044-041);  
251 Auburn Ravine Road (APN 001-044-019);  
424 Grass Valley Hwy (APN 001-044-030);  
420 Grass Valley Hwy (APN 001-044-029);  
414 Grass Valley Hwy (APN 001-044-027); and  
402 Grass Valley Hwy (APN 001-044-(017; 026))

**Statement:** A review of the information submitted and additional investigation by the Community Development Department indicates that this project WILL NOT have a significant adverse impact on the environment as detailed in the Initial Study.

**Review Period:** 8/29/13-9/17/13

**Public Hearing Date:** The public hearing for this project is tentatively scheduled for review by the Auburn Planning Commission on Tuesday, September 17, 2013 at 6:00 p.m. in the Auburn City Council chambers, 1225 Lincoln Way, Auburn, CA 95603.

**Document Availability:** Copies of the Negative Declaration are available for review at, and comments can be submitted to, the Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

  
Reviewer: Reg Murray, Senior Planner  
Auburn Community Development Department

  
Date



**CITY OF AUBURN  
COMMUNITY DEVELOPMENT DEPARTMENT**

**INITIAL STUDY**

**Emergency Shelter Rezone  
Auburn Ravine Road Project Area  
(File RE 13-03)**

**August 29, 2013**

**City of Auburn**  
**Emergency Shelter Rezone**  
**Auburn Ravine Road Project Area**  
**File RE 13-03**

**Background:**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 to require that jurisdictions (i.e. Cities and Counties) plan for and accommodate emergency shelters by right, without the necessity of a discretionary permit. An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. SB 2 requires that jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters shall be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

The City of Auburn City Council met on several occasions over the last several months (April 8<sup>th</sup>, May 13<sup>th</sup>, July 22<sup>nd</sup>, and July 29<sup>th</sup>) to consider options for allowing emergency shelters in conformance with SB 2. On August 12, 2013, the Auburn City Council identified nine parcels as potential locations for emergency shelters. The subject parcels (described below) are generally located north of Elm Avenue and west of Auburn Ravine Road and are currently part of the Regional Commercial (C-3) zone district. The City Council directed staff to establish a new zone district that uses the C-3 zone as the base zone and adds emergency shelters as a use permitted "by right" (i.e. the Regional Commercial – Emergency Shelter (C-3-ES) zone district). This initial study is associated with the Rezone entitlement that changes the zoning of the nine project area parcels from C-3 to the new C-3-ES zone district.

**Initial Study:**

The City of Auburn prepared this Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study). This initial study assesses the potential environmental impacts associated with the Rezone proposal noted above that would change the zone designation of the nine subject parcels from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The C-3-ES zone district includes all permitted and conditionally permitted uses as per the existing C-3 zone, but also includes Emergency Shelters as a Permitted use type.

The analysis provided herein is only associated with the change of the zoning designation (i.e. from C-3 to C-3-ES); and is not associated with any specific development request. Any subsequent requests for an emergency shelter that requires new construction would necessitate separate entitlements (e.g. Design Review) and would be subject to its own separate environmental review.



**Public Review:**

This Initial Study/Mitigated Negative Declaration will be circulated for a **20-day** public review commencing **August 29, 2013**. Copies of this Initial Study and cited References may be obtained at the City of Auburn Community Development Department at the address noted below. Written comments on this Initial Study/Negative Declaration may also be addressed as noted below.

**Project title:** Emergency Shelter Rezone - Auburn Ravine Road Project Area (Files RE 13-03)

**Lead agency name and address:**

City of Auburn Community Development Department  
1225 Lincoln Way, Room 3  
Auburn, CA 95603

**Contact person, phone number, and e-mail:**

Reg Murray, Senior Planner  
1225 Lincoln Way, Room 3  
Auburn, CA 95603  
530-823-4211 x 140  
[rmurray@auburn.ca.gov](mailto:rmurray@auburn.ca.gov)

**Project location(s):**

The Emergency Shelter Rezone for the Auburn Ravine Road project Area consists of nine properties within the City of Auburn, generally located west of Auburn Ravine Road and north of Elm Avenue (Attachment 1). The properties include the following:

Lot	APN	Address	Size (acres)
1	001-044-043	391 Auburn Ravine Road	±1.57
2	001-044-042	301 Auburn Ravine Road	±0.82
3	001-044-041	271 Auburn Ravine Road	±0.94
4	001-044-030	424 Grass Valley Hwy	±0.51
5	001-044-019	251 Auburn Ravine Road	±0.78
6	001-044-029	420 Grass Valley Hwy	±1.76
7	001-044-027	414 Grass Valley Hwy	±2.35
8	001-044-026	402 Grass Valley Hwy	±0.14
9	001-044-017	402 Grass Valley Hwy	±0.31

**Project sponsor's name and address:**

City of Auburn, Community Development Department  
1225 Lincoln Way, Room 3  
Auburn, CA 95603

## **General Plan and Zoning designations:**

*General Plan Land Use Designations:* The land use designation for the project area is Mixed Use (MU). The Mixed Use designation allows for combination of commercial uses and higher density residential uses. Land use designations for the adjacent properties include:

North: Commercial (COMM)  
East: Commercial (COMM)  
South: Mixed Use (MU)  
West: Mixed Use (MU)

*Zoning Designation:* The project area is located within the Regional Commercial (C-3) zone district (Attachment 2). The C-3 zone allows a wide variety of commercial, retail, and office uses. Zoning for the adjacent properties include:

North: Neighborhood Commercial (C-1) and C-3  
East: C-3  
South: C-3  
West: C-3

*Surrounding Land Uses:* The project area includes vacant, undeveloped, and under-developed properties (Attachment 3). Uses include (from north to south) offices, automotive repair, a vacant lot, a mortuary, a bank, offices, a drug store, a grocery, and a smog check station. The land use designation of the properties adjacent to the project area includes:

North: Retail  
East: Vacant commercial lot and a commercial shopping center  
South: Gas station; office complex  
West: Vacant commercial lot (northern end) and various retail commercial (southern end)

## **Environmental Setting**

The project area is located near the core of the regional commercial zone and is bounded on the east by Auburn Ravine Road, the south by Elm Avenue, and the west by Highway 49 and a vacant commercial lot (Attachment 3). The majority of the project area as already been developed with various businesses situated on Lots 1 and 3-9. The remaining lot (Lot 2) is vacant and undeveloped, but has been graded previously and could accommodate future development. A small riparian creek corridor is located to the west of, and has minor encroachment onto the western fringes of, Lots 1-3.

*Aesthetics:* The project area does not have any scenic views or vistas. With the exception of a small riparian creek corridor to the west of the northern portion of the project area, views from the site include various existing commercial, retail, and office developments.

*Air Quality:* The proposed project area is within the Sacramento Valley Air Basin (SVAB) and under the jurisdiction of the Placer County Air Pollution Control District (PCAPCD). The SVAB is classified as a severe non-attainment area for federal standards for ozone. Placer County is also designated as a serious non-attainment area for State ozone ambient air quality standards and non-attainment for State particulate matter standards (CARB 2006).

*Biological Resources:* The project area is largely built out and has few remaining natural resources. Based on the level of build out in the project area and a corresponding lack of natural resources, a biological resources survey was not prepared for the project.

*Cultural Resources:* A cultural resources study has not been prepared for the project area. Based on the level of existing development in the project area, no significant resources are anticipated on the site.

*Circulation:* The project area has access to Auburn Ravine Road, Elm Avenue, and Highway 49.

*Geology and Soils:* A geotechnical report has not been prepared for the project area, but may be required in conjunction with any necessary design review for a subsequent Emergency Shelter project. There are no Alquist-Priolo mapped earthquake fault zones within the project area. The Cleveland Hills Fault, located approximately 36 miles northwest of Auburn, is the nearest known active fault.

*Hazards and Hazardous Materials:* A preliminary search of available environmental records on the Placer County Environmental Health web-site indicated that the project site is not listed in any database of hazardous materials sites. Hazardous materials in the vicinity of the project site could include minor amounts of products typically used for automotive repair (i.e. oil; coolant), maintenance and cleaning, and construction.

*Hydrology and Water Quality:* No natural waterways occur on the project site, though Auburn Ravine Creek is located immediately to the west. A hydrologic study could be required in conjunction with any necessary design review for a subsequent Emergency Shelter project.

*Land Use and Zoning:* The land use designation for the project area is Mixed Use (MU) and the zoning designation is Regional Commercial (C-3).

*Noise:* The project area has no significant noise generators, though it is located adjacent to or near major roadways. The project area is adjacent to or within 700' of Highway 49 and is between 625'-950' of Interstate 80.

*Utilities:* Underground utilities and infrastructure have been constructed in conjunction with existing development. These improvements include curb, gutter and sidewalk, municipal sanitary sewer lines, PCWA water lines, underground communication lines, and a storm drain system.

**Project Description:**

The City of Auburn is proposing to rezone nine lots along Auburn Ravine Road (i.e. the Auburn Ravine Project Area; Attachment 2) from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The C-3-ES zone district allows Emergency Shelters as a permitted use type in addition to all other permitted and conditionally permitted uses allowed in the existing C-3 zone. Emergency Shelters are subject to certain development standards as permitted by the California Government Code, including but not limited to:

1. Occupancy – maximum of twenty-five (25) persons;
2. Parking – one space per staff and one spacer per four residents
3. On-site management standards
4. Facilities services including common area, laundry, showers, storage, and telephones

**Regulatory Setting:**

No Responsible and/or Trustee Agency permits are required.

**Required Agency Approvals:**

*City of Auburn Planning Commission* – Review and provide recommendations to the Auburn City Council for the Emergency Shelter Rezone for the Auburn Ravine Project Area (Attachment 1).

*City of Auburn City Council* – Approval of the Emergency Shelter Rezone for the Auburn Ravine Project Area.

## Initial Study

### Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except "NO Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g. the project falls outside a fault rupture zone). A "NO Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) **"Potentially Significant Impact"** is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
- 4) **"Potentially Significant Unless Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) **"Less-Than-significant Impact:"** Any impact that is expected to occur with implementation of the project, but to a less than significant level because it would not violate existing standards.
- 6) **"No Impact:"** The project would not have an impact to the environment.
- 7) Earlier analyses may be used where, pursuant to Tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.
- 8) Lead agencies are encouraged to incorporate into the checklist reference to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gases                   | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning Housing          | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation              |
| <input type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Utilities/Service Systems     | <input checked="" type="checkbox"/> None         |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

**DETERMINATION:** (To be completed by the Lead Agency) On the basis of this initial evaluation:


☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Reg Murray, Senior Planner

8/29/13  
Date



## EVALUATION OF ENVIRONMENTAL IMPACTS:

### I. AESTHETICS –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a)-c) No scenic vistas or scenic resources are located in the Auburn Ravine Road project area. The proposed rezone adding the emergency shelter use type to the Regional Commercial zone will not result in any adverse changes to any scenic vistas. Emergency shelters are consistent with other existing use types currently allowed in the project area, therefore, shelters would not create any new impacts.
- d) The Rezone will not introduce any new light sources to either project area. Light sources for emergency shelters will be consistent with the other use types currently allowed at each site and will be required to comply with the City's lighting standards. In the future, any proposed development will be reviewed against the City's standards and may have conditions of approval requiring that light fixtures be designed to reduce light and glare on adjacent properties and include glare screens when appropriate.

### Mitigation Measures

No mitigation measures are necessary.

## II. AGRICULTURE RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a)-e) The project area include land zoned for commercial uses. No agricultural or timberland activities currently occur on site or in the project vicinity. No land designated by the state of California as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance occurs on the project site; and, the site is not under a Williamson Act contract.				

### Mitigation Measures

No mitigation measures are necessary.

### III. AIR QUALITY –

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in the Sacramento Valley Air Basin, and under the jurisdiction of the Placer County Air Pollution Control District. The region is in non-attainment for state and federal ozone standards, the federal particulate matter (PM2.5) standard, and the state particulate matter (PM10) standard, but meets all other state and federal air quality standards.

- a)-e) The project adds the emergency shelter use type to the current list of commercial uses. The emergency shelter use type is consistent with other existing use types in the Regional Commercial zone; and, the use type does not result in any specific significant impacts to air quality. Air quality impacts, along with potential mitigation measures, will be evaluated and addressed in association with proposed development.

### Mitigation Measures

No mitigation measures are necessary.

#### IV. BIOLOGICAL RESOURCES --

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a-f) The project area is largely developed and no candidate, sensitive, or special status species are known to exist in the project area. Inclusion of the emergency shelter use type in association with the C-3-ES rezone will not affect any biological resources, including the riparian habitat to the west of the project area. The proposal will not conflict with local policies or ordinances protecting biological resources or any habitat conservation plans, nor will it impact the movement of wildlife species. Potential impacts associated with any future development, along with associated mitigation measures, will be evaluated and addressed at the time of the proposed development.				

#### Mitigation Measures

No mitigation measures are necessary.

## V. CULTURAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-d) The rezone proposal adds the emergency shelter use type to the current list of commercial uses. Addition of the emergency shelter use type to the list of permitted use types does not have the potential to affect the significance of any historic or archaeological resource. The project area is largely developed and there are no known historical or archaeological resources present on-site. The rezone entitlement will not destroy paleontological or geologic resources or disturb human remains. Potential impacts associated with any future development, along with associated mitigation measures, will be evaluated and addressed at the time of the proposed development.

### Mitigation Measures

No mitigation measures are necessary.

## VI. GEOLOGY AND SOILS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in the Building Code, creating substantial risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- a-d) Addition of the emergency shelter use type to the list of permitted use types does not expose persons to potential geologic-related hazards. Emergency shelters are consistent with other existing use types currently allowed in the project area, therefore, shelters would not create any new impacts. Potential impacts associated with any future development, along with associated mitigation measures, will be evaluated and addressed at the time of the proposed development.
- e) Sanitary sewer service is available to the project area; therefore, there are no potential impacts associated with septic systems.

### Mitigation Measures

No mitigation measures are necessary.

### VII. GREENHOUSE GASES --

Would the project:

- |   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact  | No Impact                |
|---|--------------------------------------|---|-------------------------------------|--------------------------|
| a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.                         | <input type="checkbox"/>             | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases. | <input type="checkbox"/>             | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- a-b) The proposed project is not anticipated to generate greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.

### Mitigation Measures

No mitigation measures are necessary.



# **VIII. HAZARDS AND HAZARDOUS MATERIALS –**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Auburn City Fire Department responds to all calls for emergency services within City limits that include, but are not limited to: fires, emergency medical incidents, hazardous materials incidents, public assists, traffic and vehicle accidents and other situations. The City's fire station on Sacramento Street is located ±0.50 miles from the project area and is staffed 24 hours a day. The City also has mutual aid agreements with adjacent fire service districts.

- a-c) An emergency shelter will not use, transport, store, or dispose of hazardous materials beyond those typical used in association with landscape, maintenance and household cleaning purposes. The materials would not pose a hazard to residents or the public.

- d) The Placer County Department of Environmental Health website does not identify the use of hazardous materials at the project site.
- e-f) The project area is not within an airport land use plan and is not within two miles of any airport, and would therefore have no impact on the safety of people residing or working in the project area due to proximity to an airport.
- g) The proposed rezone would not adversely affect implementation of the City's emergency response plan and would not require update of the CAD emergency response system currently in use by the City.
- h) The project area is not located in, or adjacent to, a wild lands area. As noted above, fire service is provided by the City of Auburn with mutual aid from adjacent fire districts.

### Mitigation Measures

No mitigation measures are necessary.

### IX. HYDROLOGY AND WATER QUALITY –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## IX. HYDROLOGY AND WATER QUALITY –

Map or other flood hazard delineation map?

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The City of Auburn receives an average of 34 inches of rainfall annually. Rainfall can vary substantially from year to year. At the Auburn recording station, annual precipitation has varied from 14 to 65 inches over the past 50 years. Rainfall is concentrated during winter months with almost 90 percent of annual precipitation typically occurring between November and April (*Placer County 2005*). Site soils fall into Hydrologic Soils Group D, which are soils characterized as having a slow infiltration rate, and thereby a high runoff potential (*Soil Survey of Placer County, California 1980*).

- a-f) Addition of the emergency shelter use type to the list of permitted use types will not violate water quality standards, deplete groundwater supplies, alter existing drainage, or increase water runoff. Emergency shelters are consistent with other existing use types currently allowed in the project area, therefore, the addition of shelters to the list of permitted use types would not create any new impacts. Potential impacts associated with any future development, along with associated mitigation measures, will be evaluated and addressed at the time of the proposed development.
- g-i) The majority of the project area is located in Flood Zone X (areas determined to be outside the 500-year flood plain) according to the Flood Insurance Rate Map for the County of Placer, Map No. 06061C0426 F dated June 8, 1998. Portions of Lots 4-9 (Attachment 1) are shown as being within a mapped flood hazard area associated with the original creek alignment; however, the creek has been piped and no longer affects these properties, therefore there is no exposure of people or structures to a significant risk of loss, injury or death involving flooding.
- j) The project area is not located within an area subject to inundation by seiche, tsunami, or mudflow; therefore, there are no impacts.

### Mitigation Measures

No mitigation measures are necessary.

## X. LAND USE AND PLANNING —

Would the project:

- |   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No Impact                           |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
|   |                                      |   |                                    |                                     |
| a) The change of the zone designation for the project area from C-3 to C-3-ES will not physically divide an established community. No impacts would result from project implementation.   |                                      |   |                                    |                                     |
| b) The proposed rezone of the project area is consistent with the City's adopted Housing Element and in accordance with Housing Element law. Subsequent development within the project area will be in accordance with the City of Auburn Zoning Ordinance and related development standards.               |                                      |   |                                    |                                     |
| c) There are no habitat conservation plans or natural community conservation plans for either project area.   |                                      |   |                                    |                                     |

### Mitigation Measures

No mitigation measures are necessary.

## XI. MINERAL RESOURCES –

Would the project:

- |   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No Impact                           |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
- a-b) Although gold deposits are known to remain in the foothills area, no known mineral resources of value to the region are known to exist within the boundaries of the proposed project area. No known mine sites are or have historically been located on the subject properties. The proposed project would not result in the loss of availability of any known mineral resource.

### Mitigation Measures

No mitigation measures are necessary.

## XII. NOISE—

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a-d) The proposal adds the emergency shelter use type to the current list of commercial uses in the Regional Commercial zone. Addition of the emergency shelter use type to the list of permitted use types will not expose persons to potential noise-related hazards. It is anticipated that noise levels generated by the proposed project would not exceed standards established in the City of Auburn General Plan and would be consistent with, and compatible to, uses adjacent to the site. Proposed development in the future will be reviewed and evaluated to determine project specific impacts and associated mitigation measures.				
e-f) The proposed project is not located within an airport land use plan or within two miles of any public airport or private airstrip.				

### Mitigation Measures

No mitigation measures are necessary.



### XIII. POPULATION AND HOUSING –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project will bring the City's Housing Element into compliance with Housing Element law and will make it easier to provide housing for the homeless population in the City of Auburn.

- a) An emergency shelter will not induce population growth. Any shelters provided as a result of the Rezone would serve the existing needs of the homeless community.
- b-c) The project area includes non-residential development, under-developed lots (Lots 1 & 3), or undeveloped property (Lot 2). Accordingly, the proposed rezone would not displace housing or a substantial number of people.

#### Mitigation Measures

No mitigation measures are necessary.

#### XIV. PUBLIC SERVICES —

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Fire Protection:* Fire service for the project area is provided by the Auburn City Fire Department. Auburn Fire also has mutual aid agreements with other fire protection agencies to aid in emergency response, including the California Department of Forestry & Fire Protection (Cal Fire), the Newcastle Fire Protection District, and Placer County Fire.

*Police Protection:* The project area is within the jurisdiction of the City of Auburn Police Department. The existing police department facility was planned to accommodate the law enforcement needs of population growth within the project area (General Plan Environmental Impact Report 1993). Additional law enforcement assistance is provided within the area by the Placer County Sheriff's Department and the California Highway Patrol.

*Schools:* The proposed project lies within the Auburn Union Elementary and Placer Union High School District. Children residing in the project vicinity attend Skyridge Elementary School, E.V. Cain Middle School or Placer High School, according to their age group.

*Parks:* Park facilities within City limits are maintained by the Auburn Recreation District. The Auburn State Recreation Area is located outside the City limits approximately one mile east of the project area.

*Other Public Facilities:* Operation of an emergency shelter will not substantially impact other public facilities (libraries; roads).

- a) The proposed Rezone adding the emergency shelter use type to the list of use types currently permitted in the C-3 zone will not impact public services. Emergency shelters are consistent with other existing use types currently allowed in the project area, therefore, shelters would not create any new impacts. Any new development to provide an emergency shelter will pay all appropriate impact fees at the time of permit issuance.

### Mitigation Measures

No mitigation measures are necessary.

### XV. RECREATION –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might, have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) Due to the limited size of, and population at, an emergency shelter, the operation and/or construction of an emergency shelter will not substantially affect recreational facilities and will not generate the need for additional park facilities.

### Mitigation Measures

No mitigation measures are necessary.

## XVI. TRANSPORTATION/TRAFFIC –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a-g) Many of the occupants using an emergency shelter lack their own transportation, and staffing is minimal. The project area is on a City bus transit route and is adjacent to sites with commercial services (e.g. grocery store; drug stores). No impacts to transportation and/or traffic are anticipated with the proposed project.				

### Mitigation Measures

No mitigation measures are necessary.

## XVII. UTILITIES AND SERVICE SYSTEMS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a-e) The proposal adds the emergency shelter use type to the current list of commercial uses. Addition of the emergency shelter use type to the list of permitted use types will not impact utility services. Due to the limited size of, and population at, an emergency shelter, the operation and/or construction of an emergency shelter will not substantially affect utility services. No new sewer, water, or stormwater facilities will be necessary to support an emergency shelter. No impact will occur.				
f-g) Solid waste within the project area is collected by Auburn-Placer Disposal Service (APDS), a licensed private disposal company. Solid waste is transported to the company's transfer station located on Shale Ridge Road and then to the Placer County Western Regional Landfill. No impacts will occur.				

### Mitigation Measures

No mitigation measures are necessary.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- |  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact  | No Impact                           |
|--|--------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>             | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>             | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a)-c) The analysis presented herein indicates that the proposal to Rezone the project area from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES), thereby adding emergency shelters as a permitted use type to the C-3 zone district, will not have a significant effect on the environment. Accordingly, a Negative Declaration can be prepared for the project.   |                                      |   |                                     |                                     |

## REFERENCES

- City of Auburn. *City of Auburn General Plan*. November 1993.  
 City of Auburn. *The City of Auburn General Plan Environmental Impact Report*. November 1993.  
 City of Auburn. *City of Auburn Municipal Code*. 28 March 2005.

## ATTACHMENTS

- Attachment 1 – Vicinity Map  
 Attachment 2 – Zoning Map  
 Attachment 3 – Site Aerial Photograph

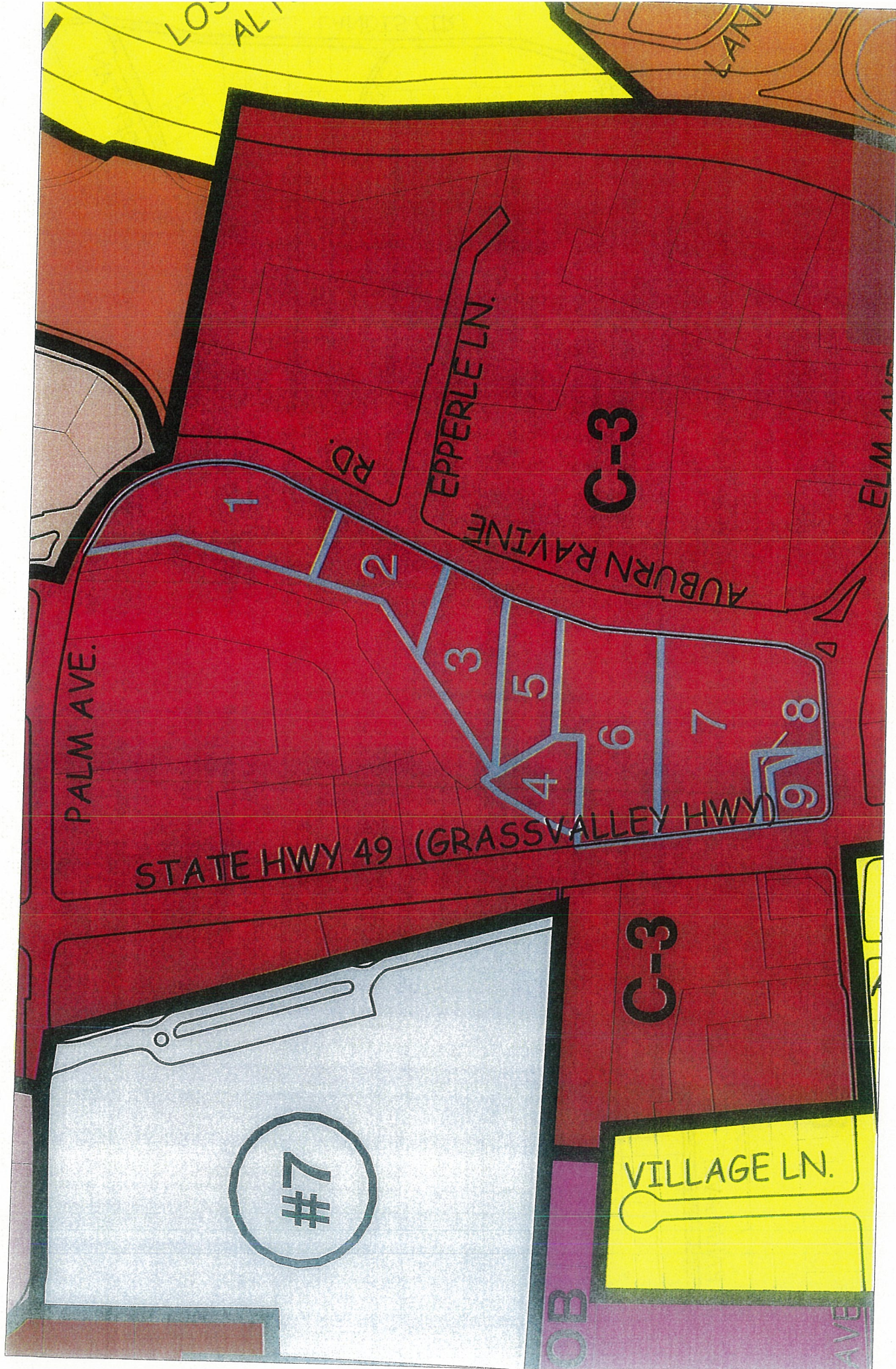


# Emergency Shelter Rezone Project Area



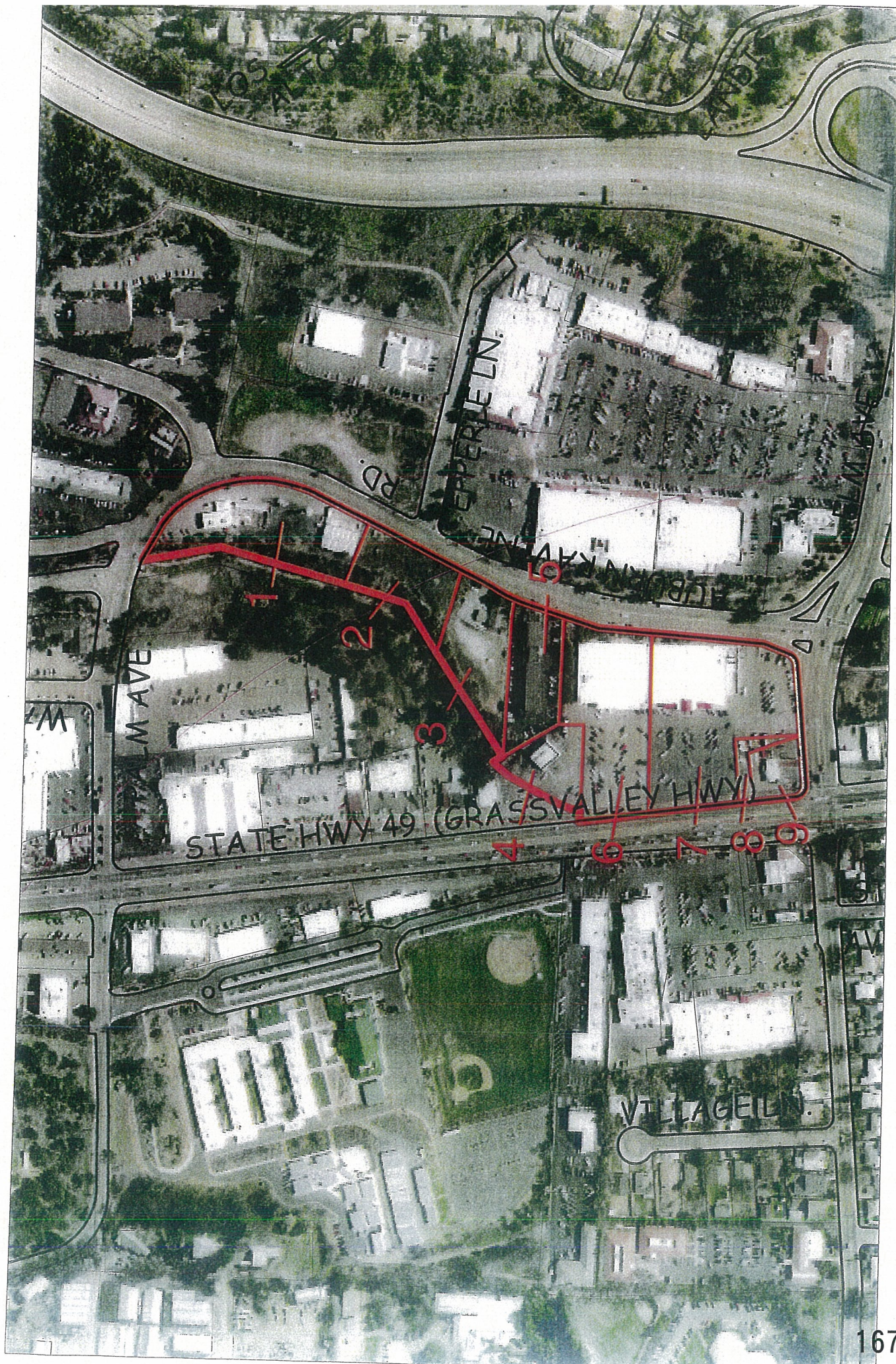


# Emergency Shelter Rezone Project Area - Existing Zoning





# Emergency Shelter Rezone - Site Aerial





## ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE TO CHANGE THE ZONE DESIGNATION OF THE AUBURN  
RAVINE ROAD PROJECT AREA FROM REGIONAL COMMERCIAL (C-3) TO  
REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES)  
FILE# RE 13-3**

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**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas the City of Auburn City Council adopted the following findings of fact for the Initial Study and Negative Declaration prepared for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017, 019, 026, 027, 029, 030, 041, 042, 043)).
1. The City Council, on the basis of the whole record before it (including the initial study and any comments received) finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the lead agency's independent judgment and analysis.
  2. All documents and materials relating to the proceedings for the project are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.
- B. Whereas the City of Auburn City Council adopted the Initial Study and Negative Declaration prepared for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017, 019, 026, 027, 029, 030, 041, 042, 043)).
- C. Whereas the ordinance for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017, 019, 026, 027, 029, 030, 041, 042, 043)) is:
1. Consistent with the General Plan; and
  2. Consistent with the public interest, health, safety, and welfare of the City.
- D. Whereas the ordinance implements the requirements of Senate Bill 2 for the provision of adequate sites for emergency shelters for the homeless.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: The Zoning Map of the City of Auburn, adopted by reference by Section 159.017 of Chapter 159 of Title XV of the Auburn Municipal Code, is hereby amended to include the Regional Commercial - Emergency Shelter (C-3-ES) zone district and to apply the C-

3-ES zone to the properties in the Auburn Ravine Road project area (APN: 001-044-(017, 019, 026, 027, 029, 030, 041, 042, 043)).

Section Two: The above-referenced property is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

Section Three: All requirements of the California Planning Act, the California Environmental Quality Act, and of Chapter 159 of Title XV of the Auburn Municipal Code, including hearings upon property notice, have been fully complied with by the Planning Commission and the City Council in the adoption of this zoning amendment.

Section Four: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Five: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Six: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

# Emergency Shelter Rezone Project Area

## EXHIBIT A

